

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45136 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Pyarelal Paswan @ Pyrelal Paswan Son of Late Basavan Paswan Resident of
village - Dhansaray, P.S.- Durgawati, District - Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-09-2024

Heard the parties.

2. The petitioner is in custody in connection with Mohania Mahila P.S. Case No. 36 of 2023 for the offence punishable under sections 376, 342, 323, 504, 506 of the Indian Penal Code lodged on 10.07.2023 by the informant, Chanda Devi.

3. As per the prosecution story, the lady alleged that on the pretext of making Aadhar Card, the petitioner being 'Mukhiya' bolted the room and committed rape. Thereafter, requested her not to disclose the same, provided Rs.500/- and dropped her on the G.T. Road. This followed the FIR.

4. Learned counsel for the petitioner submits that earlier a petition against the informant/family members was filed by the petitioner, the medical report does not support the



case as only because, he is 'Mukhiya' has been implicated, if given a chance, he shall be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that the lady has subsequently also made statement under Section 164 of the Cr.P.C.

6. In this case, beside the statement of the victim/lady, the case diary as also medical report were called for and as per the medical report, *"no injury seen. Vaginal, vulval and anal swas taken and sent for HPE. All swas showed no spermatozoa."*

7. Taking into account the fact that the occurrence is of 08.07.2023 and the medical report is of 10.07.2023, the presence of spermatozoa has been negatived by the report, he has remained in custody, do not have criminal antecedent and further an undertaking has been given by the petitioner as submitted by the learned counsel that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate Bhabua, in connection with Mohania



Mahila P.S. Case No. 36 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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