

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50625 of 2023

Arising Out of PS. Case No.-875 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

SURAJ KUMAR @ SURAJ KUMAR PASWAN S/O RAKESH PASWAN
R/O Village- Shubhai, Chhat Pokhar, P.S- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No. 875 of 2022, lodged on 01.11.2022
under Sections 376 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against sole petitioner alleging that he has committed rape upon
the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that the criminal antecedent of the petitioner is
clean and he is in custody since 24.01.2023. Counsel further
submits that petitioner and informant both are the residents of
the same village and they are well known to each other. Learned



Senior counsel submits that the informant is the mother of the two children and the cause of committing offence has been shown as 11:00 AM. The learned Senior counsel for the petitioner submits that informant was having love affairs with the petitioner even though she is married and aged about 25 years. She herself called the petitioner in her house but since her husband reached at once then with a view to save herself she has filed criminal case against the petitioner. General Kirana Store of the petitioner is situated near the house of the informant where 2-4 persons are always assembled during the day time but no one could dare to enter the house of the informant. Counsel further submits that petitioner is poor person who earn his livelihood by working as painter and he himself surrendered in the Court on 24.01.2023.

5. Learned APP for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is specific allegation against the petitioner in the F.I.R. as well as in the case diary. Statement has also been supported by the informant in 164 of Cr.P.C.

7. Upon specific query made by this Court that



whether charge has been framed or not, counsel for the petitioner submits that he is not aware of this fact that charge has been framed or not.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 875 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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