

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72336 of 2023

Arising Out of PS. Case No.-584 Year-2022 Thana- SAUR BAZAR District- Saharsa

Paras Paswan @ Paras Kumar @ Paras Kumar Paswan @ Parashuram
Paswan @ Pashupati Kumar S/O Ghanshyam Paswan Village Maranama
Ward No 02 Ps Sour Bazar Op Patarghat Ps Sour Bazar District Saharsa
... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72405 of 2023

Arising Out of PS. Case No.-584 Year-2022 Thana- SAUR BAZAR District- Saharsa

Sanjay Paswan @ Bauka Son Of Mohan Paswan Resident Of Village -
Maranama, Ward No.2, P.S. - Sour Bazar (patarghat Op), District - Saharsa
... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72336 of 2023)

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

(In CRIMINAL MISCELLANEOUS No. 72405 of 2023)

For the Petitioner/s : Mr.Kamal Kishore Singh

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 366, 376, 342, 323,

504, 506/34 of the Indian Penal Code.



Prosecution case in nutshell is that while the informant/victim was returning her home, in the way, petitioners met her and offered her biscuit. After eating the biscuit she became unconscious. When she gained consciousness, she found herself in a room and she felt that she has been raped. It is further alleged that petitioners again gave her medicine due to which she again became unconscious and petitioners ravished her repeatedly and when she raised protest, they abused and assaulted her.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have falsely been implicated in the present case. There is inordinate delay of 16 days in lodging the F.I.R. She has stated, in her statement, recorded under Section 164 of Cr.P.C., that petitioners met her and offered her Biscuit, after consumption of which she became unconscious and she noticed that she was naked. Petitioners kept her 4 days and after that they left her to



road. She has stated on the basis of suspicion that petitioners committed physical relation with her. It is not believable that the victim has not raised any alarm. Medical report (annexed with the Case Diary) does not corroborate with the prosecution case. Victim is a wedded and mature lady aged about 30 years. Moreover, the petitioner is languishing in judicial custody for more than 10 months. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Sour Bazar (Patarghat O.P.) P.S. Case No. 584 of 2022 on furnishing bail bond of



Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st, Saharsa.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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