

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76851 of 2023

Arising Out of PS. Case No.-335 Year-2021 Thana- GOPALPUR District- Patna

PUNIT PASWAN S/O CHHOTE PASWAN R/O VILLAGE-
MANOHARPUR KACHWARA, P.S- GOPALPUR DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-01-2024 Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No. 668 of 2022 arising out of Gopalpur P.S. Case No. 335 of 2021 for the offence under Sections 376, 341, 323, 504 and 34 of the Indian Penal Code lodged on 13.09.2021 by the informant, Sangeeta Devi.

3. The informant who is sister of the victim girl has alleged in the FIR that her sister is mentally imbalance and is also dumb. She has alleged in the FIR that on 12.09.2021, in the night she saw that the petitioner herein opened clothes and committing rape with her sister namely, Puniya Kumari. The informant tried to caught him but he pushed her and managed to flee away. She went to the house of Punit Paswan, but instead his family members resorted to assault. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and



rejected vide order dated 24.08.2022 passed in Cr. Misc. No. 27551 of 2022.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide letter no. 299 dated 29.11.2023 according to which out of six witnesses, one has been examined.

6. Taking into account the fact that the petitioner is in custody since 14.09.2021 (as stated in paragraph 22 of the bail application), the trial is not likely to conclude, he do not have criminal antecedent and as per the undertaking given by the learned Counsel for the petitioner, he will be diligently appearing in the trial, this Court is inclined to extend him privilege of bail.

7. 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 Court of Additional District and Sessions Judge-I, Patna in connection with Sessions Trial No. 668 of 2022 arising out of Gopalpur P.S. Case No. 335 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 till the conclusion of the trial 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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