

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60532 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- DUMRAO District- Buxar

Shrawan Paswan @ Shrawan Kumar, Gender-Male, Aged about 29 years,
S/O -Laxman Paswan, R/O Village - Dalsagar, P.S. - Buxar (Ind.) District-
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 78741 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- DUMRAO District- Buxar

Nagendra Kumar, Aged about 25 years, Male, S/O Bihari Mahto @ Behari
Singh R/O Village- Partap Sagar, P.S. Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60532 of 2023)

For the Petitioner/s : Mr.Chandra Mohan Singh, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

(In CRIMINAL MISCELLANEOUS No. 78741 of 2023)

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

8 23-04-2024 As per office notes, notice has been received by
opposite party no. 2 personally, but no one appears on behalf of
opposite party no.2 to assist this Court.

2. Heard learned counsel for the petitioners and learned
APP for the State.

3. The petitioners seek bail in connection with Dumraon



P.S. Case No. 227 of 2023 instituted for the offences punishable under Sections 376(DA) 370, 370A of Indian Penal Code, Section 6 of POCSO Act and Sections 3(i)(r)(s)(w)(i)(ii), 3(2)(va) of SC/ST Act.

4. The prosecution case, in short, is that on 08.05.2023 in evening the informant's minor daughter aged about 14 years went out from the house secretly for which hectic search in between relatives has been made but did not find her and after few days informant's relative told him on phone that his daughter has been forcefully got dance programme by Chana and Pratap Sagar people and when she made protest then she has been abusing by caste name and bad job has been done with her. Thereafter, the present case has been lodged by the informant.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. F.I.R. has been lodged on 29.05.2023 while daughter of the informant fled away from the house on 08.05.2023, but no satisfactory explanation has been given in the F.I.R. A statement has been made in para 3 of the bail petition that petitioners have no criminal antecedent. They are languishing in judicial custody since 30.05.2023.

6. Learned APP for the State has vehemently opposed the prayer for bail.



7. From perusal of the F.I.R. and impugned order dated 07.07.2023 and 01.09.2023, it appears that on the basis of written report of informant Bhikhari Gond (father of victim) F.I.R. registered against three accused persons including these petitioners. On perusal of case diary and statement of victim recorded u/s 164 of the Cr.P.C., it also appears that this is a case of gang rape of scheduled caste minor girl. The victim girl in her statement recorded u/s 164 of the Cr.P.C. has specifically stated against both the petitioners that they have committed rape with her forcefully.

8. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and serious nature of allegation, I am not inclined to grant bail to the petitioners.

9. Prayer for regular bail of the petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

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