

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82296 of 2023

Arising Out of PS. Case No.-286 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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Shrikant Paswan S/O Motilal Paswan @ Moti Paswan Resident of Village-
Malahi Dusadh Patti, P.S.- Malahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Govindganj (Malahi) P.S. Case No. 286 of 2023, registered on 15.05.2023 for the offences under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, under the inducement of marriage, the petitioner established physical relationship with the informant and continued the same for about four years. Thereafter, the petitioner refused to marry the informant and ran away from the relationship. The family members of the petitioner threatened the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in



this case. From the FIR it is apparent that the informant was consenting party from the very beginning. The petitioner never assured the informant regarding marriage. From the facts of the FIR it cannot be said that any rape was ever committed. The fact of the matter is that the informant is a married lady and her marriage was solemnized eight years back and she has two daughters. The father of the petitioner has lodged a case against the informant and her mother as they did not return the money which was taken by the informant for the treatment of her mother being Govindganj (Malahi) P.S. Case No. 358 of 2023 for the offences under Sections 341, 323, 379, 406, 420 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of SC/ST (Prevention of Atrocities) Act. The petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that on allurement of marriage he established physical relationship and later on, refused to marry the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is apparently consensual relationship between two



adult and lack of substantive material showing any fraudulent act on the part of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court in connection with Govindganj (Malahi) P.S. Case No. 286 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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