

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13427 of 2025

Arising Out of PS. Case No.-69 Year-2024 Thana- Tilakeshwar District- Darbhanga

Hastanand Paswan @ Hastanand Kumar Paswan Son of Pawan Paswan
Resident of Village - Ghordaur, Chingari, P.S. - Tilakeshwar, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 64, 77,
61(2) and 3(5) of the BNS as well as Section 67(A) of the IT
Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that the accused persons entered her house and Satyam
Kumar Paswan raped her while petitioner videographed the
occurrence and made it viral.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant. It is further submitted that informant is wife of



Pradeep Kumar Paswan who stays at Kanpur with his children and he is having disputed matrimonial relationship. It is next submitted that informant several times got her husband implicated in cases and based on which he was sent to judicial custody. It is also submitted that informant was staying alone and she was exploiting Satyam who is a minor. It is submitted that from the side of Satyam also her mother instituted an FIR with an allegation that informant was exploiting her son and during the course of investigation it is submitted that the case instituted by her mother has been found to be true. It is further submitted that Satyam and petitioner are cousin and are nephew of Pradeep Kumar Paswan i.e. husband of the informant and since informant was staying alone as such she was exploiting Satyam.

5. Mr. Chandra Bhusban Prasad, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the allegation it would manifest that specific allegation is alleged against Satyam that he committed rape and the petitioner videographed the occurrence. It is further submitted that from perusal of the pleadings made at para 16 of the anticipatory bail application, it would manifest that it has been specifically pleaded that the video was sent to



Pradeep Kumar Paswan who in turn forward the same to few of the local villagers as such it is submitted that what has been alleged by the informant in the FIR stands corroborated by the pleadings made at para 16 of the anticipatory bail application that the occurrence was videographed and it was sent to the husband of the informant. Learned A.P.P. thus submits that whether informant was exploiting Satyam or Satyam was in physical relation with the informant, whether Satyam was a minor or a major are all issues to be decided but then the video of the occurrence was circulated amongst villagers which amply demonstrates that the occurrence was seen by the villagers even. It is next submitted that investigation of the case is in nascent stages.

6. The learned counsel appearing on behalf of the petitioner submits that it was not the petitioner who circulated the video but it was Pradeep Kumar Paswan who circulated and the occurrence was recorded by Satyam on which learned A.P.P. vehemently rebuts and submits that there is a specific allegation in the FIR that it was Satyam who committed rape and this petitioner videographed the occurrence and since there is a specific allegation against this petitioner of videographing the occurrence and subsequently it was sent to different villagers by



Pradeep Kumar Paswan which amply demonstrates that this petitioner sent the video to Pradeep Kumar Paswan.

7. The learned counsel appearing on behalf of the petitioner next submits that it was not the petitioner who circulated the video of the occurrence rather it was circulated by Pradeed Kumar Paswan. It is further submitted that video was not made by the petitioner rather it was made by Satyam.

8. The said submission of the learned counsel appearing on behalf of the petitioner is vehemently rebutted by the learned A.P.P., the learned A.P.P. submits that there is a specific allegation in the FIR that it was Satyam who was committing rape and petitioner was videographing the occurrence. It is further submitted that it does not appear probable that a person who will commit rape will also videograph the occurrence and thus would create evidence against himself. It is next submitted that the allegation as alleged in the FIR also gets corroborated by the fact as pleaded at para 16 of the anticipatory bail application that the video was sent to Pradeep Kumar Paswan who thereafter circulated amongst the villagers who saw the video of the occurrence.

9. Learned A.P.P. thus asserts and reiterates and submits that since there is a specific allegation against this petitioner of



videographing the occurrence of rape as such the submission of the learned counsel appearing on behalf of the petitioner merits no consideration.

10. The learned counsel appearing on behalf of the petitioner further submits that during the course of investigation, it has also come that rape was not committed on which learned A.P.P. submits that at para 16 of the anticipatory bail application, it has been specifically pleaded that the video of the occurrence was sent to Pradeep Kumar Paswan who circulated amongst the villagers but then the petitioner does not disclose what was there in the video which amply demonstrates that the occurrence was of rape.

11. Learned counsel for the petitioner next submits that during the course of investigation the allegation of rape has not been found to be true on which learned A.P.P. submits that investigation by the police is not admissible in evidence, the allegations have to stand the scrutiny of the trial.

12. After hearing the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with G.R. No. 1119 of 2024 arising out of Tilkeshwar P.S. Case No. 69 of 2024 pending in the Court of learned Judicial Magistrate, 1st Class, Darbhanga/Successor



Court.

13. Hence the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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