

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13611 of 2025

Arising Out of PS. Case No.-72 Year-2024 Thana- KALYANPUR District- Samastipur

Vikash Paswan @ Vikas Paswan @ Bikash Kumar Son of Sri Dahaur Paswan
Resident of Village- Manikauli, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv

Mrs. Vaishnavi Singh, Adv

Mr. Ritwik Thakur, Adv

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

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

2. This is the first regular bail application of the petitioner seeking his regular bail in connection with Kalyanpur P.S. Case No. 72 of 2024 registered for the offences punishable under Sections 323, 341, 447, 385, 376, 406, 420, 307, 354(B), 311, 313, 314, 504, 506, 34, 471 of the Indian Penal Code Act.

3. In this case, the prosecutrix is a major married lady aged about 36 years. She made a private complaint before the C.J.M., Samastipur, which has been forwarded by the C.J.M. Samastipur to the concerned P.S. On the basis of said the above mentioned offence has been registered by the concerned P.S. According to the contents of the written complaint about 10



years ago, the petitioner got married with the victim lady and both are resided at Bombay about 10 years. Allegedly the present applicant and other co-accused persons during that period committed cruelty with the victim lady and also committed beating with her. It is further alleged that during that period she was also got aborted by the present applicant and other accused persons. It is further alleged that present applicant outrage the victim lady and got it second marriage with any other girl.

4. Learned counsel for the petitioner submits that after completion of investigation the concerned police station filed the charge-sheet for the offence punishable under section 376 of IPC only. He further submits that as claim the by the victim lady she herself is a married wife of the present applicant and she is a major lady therefore, no offence under section 376 of IPC prima facie made out. Therefore, on this ground only the present applicant is entitled to get benefit of regular bail.

5. Learned counsel for the State opposes the arguments raised by the counsel for the petitioner.

6. Considering the above submissions made by the learned counsel for the petitioner without further commenting other merits of the case, I am of the view that the applicant



should be enlarged on bail.

7. Accordingly, the application is allowed.

8. The petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 72 of 2024.

(Arvind Singh Chandel , J)

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