

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24095 of 2025**

Arising Out of PS. Case No.-443 Year-2024 Thana- MADHEPURA District- Madhepura

Rahul Kumar Son of Ram Bahadur Paswan Resident of Village - Bhan, Ward  
No. 8, P.S. and District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Kumari Rashmi. Advocate  
Mr. Shailendra Kr. Singh, Advocate  
For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      13-08-2025      Heard the parties.

2. The petitioner is in custody in connection with Madhepura P.S. Case No. 443 of 2024 for the offence punishable under Sections 341, 323, 406, 420, 376, 504, 506 and 34 of the I.P.C. lodged on 25.04.2024 by the informant, Sunita Devi.

3. As per the prosecution story, the informant alleged that while her husband used to reside at Ludhiana, in his absence, the petitioner being relative, during visit, in the garb of love and affection, sexually assaulted her. He also took certain money and Rs. 65,000/- was returned in the presence of the ‘Panchayat’. However, later, they threatened to kill the informant which followed the FIR.



4. Learned counsel for the petitioner submits that the lady is married, even going by the FIR it is clear that it was a consensual relationship and not rape, so far as payment part is concerned, Annexure-2 shows that before the '*panch*' the payment was made, he has already suffered by being in custody since 20.11.2024, has no criminal antecedent and he shall have no truck with the lady, if granted relief.

5. Learned APP opposes the prayer for bail submitting that allegation of sexual assault is there.

6. Taking into account the submission of the parties as also the Annexure-2 which relates to the payment of the amount, the informant is a married lady, the allegation is that in the garb of love and affection, physical relationship was established and is in custody since 20.11.2024 having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Madhepura in connection with Madhepura P.S. Case No. 443 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for six months 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.

**(Rajiv Roy, J)**

Adnan/-

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