

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27530 of 2025

Arising Out of PS. Case No.-273 Year-2024 Thana- DANIYAWAN District- Patna

Rahul Kumar @ Niraj Paswan S/o- Satyendra Paswan Village -Salarpur Ps-
Daniawan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Daniyawan P.S. Case No. 273 of 2024 lodged on 25.12.2024, for the offence punishable under Sections 115(2), 126(2), 64, 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against the sole petitioner. It has been alleged in the FIR that the petitioner has raped the informant in the name of providing job as nurse in his clinic. It has also been alleged that the petitioner has taken photo and video of the informant and threatened her not to disclose anything in this regard and allegation of continuous blackmailing is also there in the FIR. It has been stated in the FIR that due to non filing of the FIR on 07.08.2024



& 08.08.2024, petitioner started to continue the same again with the informant. Subsequently, the allegation against the petitioner is that he has assaulted the informant's husband.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which benefit of 41A of Cr.P.C. has been given to the petitioner. Counsel submits upon bare reading of the FIR itself, it transpires that the allegation is not correct and as per the allegation, the alleged occurrence is on 07.08.2024 and 08.08.2024, but the FIR has been lodged on 25.12.2024 i.e. after about four months. Counsel submits that in fact the informant's husband has demanded ransom from the petitioner and on non fulfillment of the same, dispute has arisen between them and as such, petitioner's wife filed Complaint Case No.146/2024 under SC/ST Act. Counsel submits that upon conjugal reading of the FIR, it become crystal clear that petitioner's wife has filed complaint case against the informant under SC/ST Act and there may be a chance of consensual relation between the petitioner and informant's wife, and creates doubt on the prosecution story. Counsel submits that the petitioner and the informant are co-villagers and the



informant is aged about 30 years having four children.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of Additional Chief Judicial Magistrate, Patna City, in connection with Daniyawan P.S. Case No. 273 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

Divyansh/-

U		T	
---	--	---	--

