

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33691 of 2025

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA P.S. District- Samastipur

Raju Paswan S/O Kusheshwar Paswan Resident of village- Chak Nuruddin,
P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi W/O Late Ram Pravesh Mahto Resident of village- Maniyarpur,
P.S.- Kalyanpur, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshansh Shanker, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 25-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Samastipur Mahila P.S. Case No. 36 of 2019 registered for
the offence under Sections 376/34 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in
custody since 04.12.2024.

4. The allegation against the petitioner is to commit
rape upon informant/ victim aged about 35 years old widow
lady on the intervening night of 15.06.2019 alongwith other
co-accused persons.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner implicated out of neighborhood dispute and differences. It is submitted that the victim was examined within 24 hours of the occurrence but no external injuries, in and around private part was noticed, raised a questions *qua* alleged commission of crime. It is submitted that charge-sheet in this matter was submitted on 08.01.2025, and therefore, the trial of this case must conclude within two months, thereafter, in view of Section 346(1) of BNSS but still this matter is pending and till date not even a single prosecution witness including victim was examined, therefore, on this ground alone petitioner deserves bail. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. None appeared on behalf of the informant after valid service of notice.

8. In view of aforesaid factual submission and by



taking note of fact as trial of this case failed to conclude within prescribed legal timeline as provisioned under Section 346(1) of BNSS, where petitioner remains in custody since 04.12.2024 but not even a single witness was examined, accordingly petitioner above named, is directed to be released on bail in connection with Samastipur Mahila P.S. Case No. 36 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Spl. Judge (Rape and POCSO) Samastipur /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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