

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38232 of 2025

Arising Out of PS. Case No.-312 Year-2023 Thana- SANOKHAR District- Bhagalpur

Sarwan Das @ Sarwan Kumar @ Shrawan Das Son of Parsadi Das @ Parsadi Harijan @ Prasadi Harijan Resident of Village - Arar, P.S.- Sanokhar, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Geeta Kumari Jha, Advocate Mr. Ashutosh Kumar, Advocate
For the State	:	Mrs. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 06-08-2025 Heard Mrs. Geeta Kumari Jha, the learned counsel appearing on behalf of the petitioner and Mrs. Pushpa Sinha the learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 376, 366, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant has alleged that at around three months back, the petitioner along with one Sughan Ravidas had taken her at different places on the point of pistol and sexually abused her. It is further alleged that she anyhow escaped from their grip and reached her house thereafter petitioner along with other named accused persons came there armed with lathi, danda and they were aggressive,



however, she anyhow managed to escape. It is next alleged that a *panchayati* was to be held on 19.12.2023 but the same did not happen and the present FIR was lodged on 24.12.2023.

4. The learned counsel for the petitioner submits that it is a very peculiar case where the informant, who is a mother of three children, is stated to have been kidnapped by the petitioner and other accused person, however, there was no report with regard to her kidnapping. Learned counsel further submits that informant has stated that she had come back on her own and thereafter, a *panchayati* was to be conducted with regard to the threat she had been receiving and she had lodged the present case after almost five days of the said date of Panchayati, as an afterthought implicating the petitioner falsely. It has further been submitted that from the medical examination, no sign of recent sexual assault was found on the body of the informant and it is only on account that the informant is trying to blackmail the petitioner, the present case has falsely been lodged. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 31.01.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions made by the



parties and taking into account the vagueness of the allegations in the FIR coupled with the fact that there was no report with regard to the kidnapping of the informant, let 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 the learned court below where the case is pending/successor court in connection Sanokhar P.S. Case No. 312 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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