

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52796 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- MAHILA P.S. District- Nawada

Rajiv Kumar @ Raja Babu S/O Late Vinod Paswan @ Pramod Paswan R/O
Village- Derhgaon, P.S- Kashichak, Distt.- Nawada.

... .. Petitioner

Versus

1. The State Of Bihar
2. Maurami Mallik, D/O Anand Mallik, R/O Village- Khapra Patti, P.S. Tongala, District - Udalgudi (Assam)

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the State : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nawada Mahila P.S. Case No. 11 of 2024 dated 08.04.2024 registered for the offences punishable under Section 376 of the I.P.C and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the informant belongs to Assam and she was working in the Water Factory at Bangalore with her sister. It is further alleged that during the course of working, she came in contact with the petitioner who took her to his village on the pretext of marriage on 16.03.2024 and kept in a rented house at village-Khakhari in Nawada District where he



forcibly committed rape on her and he used to establish physical relationship with her in spite of her objection. She came to know that the petitioner is already a married person, she fled away and lodged the present case.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the occurrence took place continuously from 16.03.2024 and the F.I.R. has been lodged on 08.04.2024 and the delay in lodging the F.I.R., has not been explained by the prosecution. It is further submitted that from perusal of the medical report at Annexure-2 to the present bail petition, it appears that the victim met the petitioner at bottled water company at Bangalore. Both used to work there. She married him one month back then came to Bihar and stayed at a rented accommodation at Kashichak as husband and wife. The petitioner refused to keep her after his wife came to know about this relationship which shows that the victim came with the petitioner to his village on her own sweet will for the purpose of marriage. The statement of the victim has been recorded under Section 164 of the Cr.P.C., in which she has stated that she used to work in a company at Bangalore where the petitioner was a driver of the vehicle in the said company



and conversation took place between them. Thereafter, the petitioner took her at Kashichak on the pretext of marriage and stayed in a house in the market. When she came to know that the petitioner is already a married person then she fled away from there and lodged a complaint in the police station. The petitioner established physical relationship with the victim at Bangalore as well as in a house at Kashichak. She stayed for one month at Kashichak. Her parents used to live in Assam. The victim has been examined by the doctor and the doctor has opined 'No spermatozoa either dead or alive could be found and also opined that 'No evidence of recent sexual intercourse'. It is further submitted that the victim is a major because she was working in a Water Factory, Bangalore. It is further submitted that the physical relationship was established on the pretext of marriage. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 09.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.



20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Court (POCSO) Act, Nawada in connection with Nawada Mahila P.S. Case No. 11 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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