

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54689 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- PACHMAHLA District- Patna

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1. Vinod Paswan S/o Kailash Paswan R/o vill - Hemja, P.S.- Pachmahla, Distt.- Patna
 2. Shatrudhan Paswan S/o Jugeshwar Paswan R/o vill - Hemja, P.S.- Pachmahla, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri Krishna Prasad Singh, Sr. Advocate Shri Amit Kumar, Advocate Shri Kumar Bal Krishna, Advocate
For the Opposite Party/s	:	Shri Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 15-09-2025 1. Heard Shri Krishna Prasad Singh, learned Senior Counsel for the petitioners and Shri Chandra Bhushan Prasad, learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 70(1), 115(2), 126(2), 127(2), 352 and 351(3) of the B.N.S.

3. The Investigating Officer of the case, in compliance of the order dated 30.08.2025, is present in the Court.

4. Learned Senior Counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and the informant alleges that Subodh Singh came on the terrace while Mithun Paswan,



Vinod Paswan and Shathrughan Paswan were standing at the main door. Further, Subodh Singh committed rape while blackmailing her. On objection, Subodh Singh assaulted and threatened to viral the video. It is further alleged that about two and a half months back Subodh, Mithun, Vinod and Shatrughan had raped her and had also videographed the occurrence and on pretext of making the video viral raped her for twenty days. It is next alleged that while Subodh was committing rape, her son videographed the occurrence. It is further alleged that the informant snatched the mobile of Subodh and tried to delete the recorded video but the phone fell down and broke, thereafter Subodh dragged her outside where three accused persons were present who also abused and assaulted her and tried to take her away but on alarm her family members came when the accused fled away.

5. Learned Senior Counsel appearing on behalf of the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that though the informant in the FIR alleges that earlier the petitioners along with Subodh and Mithun had raped and videographed the occurrence but then no FIR came to be instituted. It is next submitted that Subodh and the informant



were in a relationship and Subodh had come on the terrace and was establishing physical relation when the son of the informant saw and videographed the occurrence and thereafter the present false case came to be instituted. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that Subodh dragged her down stairs when other three accused abused and assaulted her and tried to take her away and she raised an alarm when her family members came and saved her but then the FIR does not even remotely suggest that when Subodh came on the terrace with an intention to commit rape then why the informant did not raise an alarm when her family members were present in the house which casts an aspersion on the case of the prosecution.

6. Learned Senior Counsel for the petitioners submits that earlier Pachmahla P.S. Case No. 20 of 2025 was instituted by the Gotani of the informant against the petitioners and others with similar allegation. It is further submitted that it does not stand to reason that had the accused persons including the petitioners gang raped the informant for twenty days in that event no FIR would have been instituted.

7. The Investigating Officer of the case, who is present in the Court, submits that during the course of



investigation, he saw the video recorded by the son of the informant and from perusal of the same, it appeared that only Subodh was present at the place of occurrence. It is further submitted that the video does not prima facie suggest that rape was being committed. It is next submitted that the broken mobile has been sent to the FSL.

8. Shri Chandra Bhushan Prasad, learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that if the privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond on which learned Senior Counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

9. Considering the submissions made by the learned Senior Counsel appearing on behalf of the petitioners and also taking into consideration the submission of the Investigating Officer of the case, let the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor



Court in connection with Pachmahla P.S. Case No. 43 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

10. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

11. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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