

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40189 of 2026

Arising Out of PS. Case No.-54 Year-2025 Thana- MAHILA P.S. District- Araria

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1. Gautam Paswan @ Gautam Kumar Paswan, S/o Late Ramvilash Paswan
 2. Amit Paswan @ Amit Kumar, S/o Basant Paswan
 3. Rahul Paswan @ Rahul Kumar, S/o Shyam Lal Paswan
 4. Manish Paswan @ Sumit Kumar, S/o Basant Paswan
Petitioner nos. 1 to 4 are R/o Mohalla - Matasthan, Bhagat Tola, Ward No. 28, P.S. and District - Araria
 5. Sanjeev Paswan @ Sanjiv Kumar @ Sanji Paswan, S/o Jitu Paswan R/o - Janta Chauk, Purnia Court, P.S. - Purnia Sadar, District - Purnia
 6. Parmila Devi @ Pramila Devi, W/o Late Ramvilash Paswan
 7. Sunita Devi, W/o Shankar Paswan, D/o Late Ramvilash Paswan
Petitioner nos. 6 and 7 are resident of Raniganj, Near Kali Temple, Utkars Bank, P.S - Raniganj, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o YYY R/o - Matasthan, Bhagat Tola, Ward No. 28, P.S and District - Araria

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 At the outset, it is submitted that petitioner no.3

namely, Rahul Paswan @ Rahul Kumar was arrested by the

police during pendency of present anticipatory bail,

accordingly, his prayer for anticipatory bail petition has

become infructuous upon arrest and, therefore, same be

permitted to withdraw.



2. Request allowed.

3. Accordingly, the prayer of anticipatory bail of petitioner no.3 stands dismissed as withdrawn, having become infructuous.

4. Now, this petition survives only against petitioner nos. 1, 2, 4, 5, 6 and 7 respectively.

5. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Araria Mahila P.S. Case No.54 of 2025 registered under Sections 126(2), 115(2), 96, 64, 352, 351(2), 351(3) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS') as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act').

6. As per F.I.R., petitioners along with co-accused persons kidnapped the informant aged about 17 years whereafter, accused/petitioner Pramila Devi instigated one Rohit Paswan (not petitioner for the present) as to commit rape upon the informant, whereafter, Rohit committed rape on several occasions upon informant.

7. It is submitted that learned counsel appearing



for the petitioners that aforesaid petitioners were implicated with present crime in question for the simple reason that love affairs of the informant with Rohit was not approved by the informant's family. It is submitted that for the said oblique motive the petitioners, who are cousin brother and relatives of main co-accused Rohit Kumar, were implicated with present crime in question. It is submitted that the thrust of allegation is available against Rohit Kumar, who is not the petitioner for the present. All petitioners claimed clean antecedent.

8. Learned APP opposed the prayer of bail.

9. In view of aforesaid factual submissions and by taking note of fact as allegation of sexual assault is not available against these petitioners, who *prima-facie* appears implicated being relative of the main co-accused Rohit Kumar, accordingly, petitioner no.1, namely, Gautam Paswan @ Gautam Kumar Paswan, petitioner no.2, namely, Amit Paswan @ Amit Kumar, petitioner no.4, namely, Manish Paswan @ Sumit Kumar, petitioner no.5 namely, Sanjeev Paswan @ Sanjiv Kumar @ Sanji Paswan, petitioner



no.6, namely, Parmila Devi @ Pramila Devi and petitioner
no.7, namely, Sunita Devi are directed to be released on
bail, in the event of their arrest or surrender in the court
below within a period of four weeks, on furnishing bail bond
of Rs.10,000/- (Rupees Ten Thousand) each with two
sureties of the like amount each to the satisfaction of the
learned District and Additional Sessions Judge-VI-cum-
Special POCSO Judge, Araria in connection with Mahila P.S.
Case No.54 of 2025, subject to the conditions as laid down
under Section 438(2) of the CrPC/under Section 482(2) of
the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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