

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54660 of 2025

Arising Out of PS. Case No.-112 Year-2023 Thana- MAHILA P.S. District- Samastipur

Sanjivan Paswan @ Sanjivan Kumar S/o Ram Lagu Paswan @ Ram Lagan
Paswan R/o vill - Dihi, P.S.- Garhpura, Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari, D/O Raj Kumar Paswan R/O Village- Haripur, Ward No. 9,
P.S. Rosera, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Prasad
For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 12-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections-376(D)/341/342/34 of the
Indian Penal Code and 67(A) of I.T. Act.

3. The brief allegation, as per the FIR, is that the
petitioner, along with co-accused Sujeet Kumar and Ram Kumar
Pawan, committed rape upon the informant on the false promise
of marriage. It is alleged that on 30.09.2023, the informant was
lured to a house near Rosera Bazar where she was allegedly
drugged with cold water containing an intoxicant and subjected
to sexual assault by the petitioner. Upon regaining
consciousness, the informant claims to have found herself on a
bed and was assured by co-accused Ram Kumar Paswan that the
petitioner would marry her the following month.



4. It has been submitted on behalf of the petitioner that there is no explanation of delay of more than a few months in lodging the FIR. He has also submitted that the allegation is on three persons that they had physical relations with the victim at the pretext of marriage. Admittedly, the victim is major girl and the relations might be consensual. The petitioner is under incarceration since 30-01-2025.

5. On the other hand, learned counsel for the informant opposed the prayer for bail by submitting that the petitioner at the pretext of marriage committed rape upon the victim. He also made the photograph viral.

6. There is no explanation of delay of more than two months in lodging the FIR. Final form was submitted by the investigating authority and the case was proceeded on the basis of protest petition filed by the victim. The petitioner is in custody for near about a year and still four witnesses are yet to be examined.

7. Considering the aforesaid facts and circumstances, let the petitioner named above, 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 learned Exclusive Special Judge, (POCSO), Samastipur in connection with Sessions Trial



No. 244 of 2025 (arising out of Samastipur Mahila) P.S. Case No. 112 of 2023 with condition that the petitioner shall cooperate with the trial of the case and make himself available as and when required by the court.

8. The petitioner will appear in the court below on each and every date fixed in the case, otherwise his bail bond shall be cancelled.

(Nawneet Kumar Pandey, J)

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