

Jitendra Kumar @ Ravi Paswan Vs. the State of Bihar

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Court : Patna

Decided On : May-23-2012

Appellant : Jitendra Kumar @ Ravi Paswan

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.44436 of 2011

===== 1. Jitendra
Kumar @ Ravi Paswan, Son of Baidhnath Paswan, Resident of Malighat Chowk,
,P.S.- Mithanpura, District - Muzaffarpur. Petitioner/s Versus 1. The State Of
Bihar Opposite Party/s

===== CORAM:
HONOURABLE MR. JUSTICE JYOTI SARAN ORAL ORDER (Per:
HONOURABLE MR. JUSTICE JYOTI SARAN

23. 01-2012 Heard learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the State. The petitioner is in custody in connection with Kishanganj Railway P.S.Case No.22 of 2011 for the offence punishable under sections 366, 372 and 376 of the Indian Penal Code. Learned counsel for the petitioner, with reference to the allegation made in the F.I.R, submits that though this petitioner had accompanied the girl along with co-accused Seema Devi to Kishanganj, no allegation involving the petitioner has been made for sale of the girl in question for immoral purpose or of assault or physical

relationship and that even as per the statement of the victim girl Guriya Devi, specific allegation of rape is by co-accused Akbar. It is Patna High Court Cr.Misc. No.44436 of 2011 (2) dt.23-01-2012 2 submitted that the petitioner has a clean antecedent. Considering the submissions of learned counsel, let petitioner Jitendra Kumar alias Ravi Paswan 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 Chief Judicial Magistrate, Katihar in connection with Kishanganj Railway P.S.Case No.22 of 2011, subject to the following conditions: (a) That a close relative of the petitioner shall stand as one of the bailors and who shall file an affidavit indicating his relationship with the petitioner and who shall be under a duty to inform the court below in case this petitioner, after his release in the present case, is found involved in any further case of similar nature and whereupon the court below shall be at liberty to cancel the bail bonds of the petitioner and to take him in to custody, (b) That the court below before issuing the order of release, shall verify the statement of the petitioner of having a clean antecedent and if the same is not found to be correct, the petitioner shall not be released, and Patna High Court Cr.Misc. No.44436 of 2011 (2) dt.23-01-2012 3 (c) That the petitioner shall ensure his representation before the court below on each and every date fixed in the case and the failure on the part of the petitioner to ensure his representation on two consecutive dates fixed in the case, would entitle the court below to cancel his bail bonds and ;to take him into custody. ahk (Jyoti Saran, J)