

**The Court of District and Additional Sessions Judge-I, Cum Special Judge SC/ST
(P.O.A) Act, Buxar**

(Presiding Officer :-Uday Pratap Singh)

B.P. No. 57/2026

(Arising out of Buxar (Mahila) PS Case No. 06/2026)

1. Nathuni Paswan aged about 40 years S/o- Radheshyam Paswan, R/o village- Sara, P.S-
Sonversa (T), District- Buxar **....Petitioner.**

Versus

The State of Bihar

.... Respondent.

Appearance :- For the petitioner:-Sri Arvind Kumar Bhagat Ld. Advocate

For the State:- Sri Kedar Nath Tiwari, Ld. P.P. assisted by

Sri Shiv Shankar Singh, Ld. Advocate for the informant.

Order dated: 24.03.2026

1. This regular bail petition has been filed in connection with Buxar (Mahila) PS Case No. 06/2026, registered under Section 126, 115(2), 64, 351(2), 352 of BNS, 2023. The petitioner is in custody since 22.01.2026. Copy of bail petition has already been served to Ld. P.P.
2. Learned counsel appeared on behalf of the petitioner has submitted that earlier no other bail petition has been filed, decided or pending in any other court. The petitioner is innocent and he did not commit any offence. The petitioner has been falsely implicated in present case. The allegation made in the F.I.R is concocted, frivolous and baseless. The petitioner has clean antecedent. The allegation has been leveled against the petitioner is entirely false and frivolous. Nothing has happened in the manner and the way as it has been alleged by the prosecution. All the sections are bailable except section 64 of B.N.S. which has been intentionally added to make the offence graver and non bailable. The petitioner did not commit any overact or rape upon the wife of informant. There is no chance of absconding the petitioner from trial. In case of granting bail, the petitioner shall abide by all the terms and conditions imposed by the court. Hence, the petitioner deserves bail.
3. On the other hand learned P.P. assisted by learned counsel for the informant vehemently opposed the prayer of bail and submitted that there is serious allegation against the petitioner regarding committing rape upon wife of informant forcefully.
4. According to the written application submitted by the informant Ayodhya Ram before the S.H.O. of Buxar (Mahila) police station in which it is alleged that his wife Soni Devi woke up at about 5:00 A.M. in the morning and went to attend call of nature in the field then in the midway petitioner came there and pushed clothes in her mouth and forcefully raped her. After doing so, he threatened that if she told anyone at home, he would kill her.
5. Heard both the sides. Case diary has been received. Record reveals that the petitioner is

sole accused in the F.I.R. There is serious allegation against the petitioner that he committed rape upon the wife of informant forcefully. Most importantly the victim has also narrated her ordeal in details that the offence continued till five minutes in the statement before the Magistrate under section 183 of B.N.S.S. The medical report is annexed with the case diary. The place of occurrence has been described in para no. 9 of the case diary. During investigation in para no. 02 the informant in her restatement has allegedly stated same version. The learned Magistrate has also clarified that the victim was not able to hear and speak properly and her statement was recorded in the presence of her sister. The opinion of the medical is reserved awaiting for F.S.L reports. Ld. Counsel for the petitioner kept insisting for last eight dates since 16.02.2026 to dispose this bail petition after perusal of F.S.L. report only. But the facts remains that the I.O. has not submitted till date and the Ld. P.P. appears helpless in this regard. Now, it is not proper to keep this bail petition pending anymore. This Court is under obligation to pass the orders on the basis of material available on record. The alleged offence is very heinous and the same should be deterred. The petitioner has threatened the victim to not to complain about the incident failing which dire consequences will follow. The investigation of this case is at its crucial stage and his release is likely to hamper the same.

6. Having heard rival contention of both the parties and considering all the facts and circumstances of the case, this court is of view that the witnesses in case diary are supporting the prosecution case, offence is of very serious nature and such type of offences are increasing in society day by day. Hence, at this stage of proceedings, granting of bail to petitioner is not justifiable. Accordingly, without expressing any opinion on merits of the case, the prayer for bail of the petitioner **Nathuni Paswan** is hereby **rejected**.

(Dictated)

Sd/-

1st Addl. Sessions Judge cum
Special Judge under SC/ST (POA) Act, Buxar

Date of order	24.03.2026
Date of uploading	26.03.2026
Uploaded by	Ratnesh Kumar Singh, (Stenographer)