

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4434 of 2016

Arising Out of PS.Case No. -16 Year- 2015 Thana -MAHILA PS District- AURANGABAD

1. Chhotu Kumar Paswan Son of Sri Subedar Paswan, Resident of Village -
Mishiri Bigha, P.S. - Muffasil, District - Aurangabad. Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Anil Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 28-03-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Mahila P.S.
Case No. 16 of 2015 registered for the offences punishable under
Sections 354(B)/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

Allegedly, the petitioner and co-accused Amit Kumar
Paswan tried to commit sexual assault with the informant and her
sister forcibly and further assaulted them but due to alarm being
raised the family members of the accused persons came and tried
to pacify the informant but she lodged this case.

Submission is of false implication and that the first
information report was lodged on 08.07.2015 but the same was
sent in the court on 10.07.2015 after delay of 2 days. The

petitioner has voluntarily surrendered on 06.01.2016 and since then he is in custody, due to family dispute the petitioner and co accused have been implicated in a false case, the petitioner has got no criminal antecedent and as such he deserves sympathetic consideration to which learned APP opposes.

In the facts and circumstances stated above, considering the detention of the petitioner, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Aurangabad in connection with Mahila P.S. Case No. 16 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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