

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7417 of 2016

Arising Out of PS.Case No. -244 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

Karanjeet Paswan Son of Kishore Paswan, R/o Bairiya, P.S. - Bairiya,
District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. P.K.Jha (APP)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in
connection with Bairiya P.S. Case No. 244 of 2015 registered for
offence under sections 457, 354/34 of the Indian Penal Code and
Sections 8 and 10 of the POCSO Act.

As per the allegation made in the first information
report, the petitioner entered into the house of the informant and
tried to outrage the modesty of the victim, she herself has written
the complaint and filed before the Officer Incharge of Police
Station. She has given the description of bad behaviour of the
petitioner with her.

The counsel for the petitioner submits that it is a



bogus story has been made out on account of the fact that the petitioner had given shelter to the wife of Shambhu Yadav who was expelled from the village and on that account he has been trapped in the present case, so much so that he has also filed a counter case against the petitioner which has been registered as Bairiya P.S. Case No. 243 of 2015 for offences under Sections 341, 323/34 of the Indian Penal Code where he has made allegation to have assaulted him. Facts recorded in the case diary suggests that the petitioner was neither present in her house nor was caught and arrested.

The counsel for the petitioner has tried to make out from the case diary that the petitioner was not arrested at the spot, but another person was caught there.

In view of the statement of girl who herself has written the complaint and given the description of the aforesaid incident, this Court does not find any reason to disbelieve the story of allegation made by the victim girl.

The counsel for the petitioner submits that Manoj Gupta @ Manoj Kumar @ Manoj Kumar Gupta, who is alleged to have been caught there, has already been granted bail by this Court in Cr. Misc. No. 1199 of 2016, but the case of Manoj Gupta is not on the same pedestal, as he was standing in the Angan and a

direct allegation has been made against the petitioner.

In such view of the matter, this Court does not find any justification to grant bail to the petitioner. Accordingly, this petition is rejected. However, the petitioner will have liberty to renew the prayer for bail after the custody of ten months.

(Shivaji Pandey, J)

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