IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45390 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -KARAKAT District- SASARAM (ROHTAS)

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1. Binod Paswan @ Tuddu Paswan @ Tutu Paswan, Son of Sri Kant Paswan @ Sadhu Paswan, Resident of Village- Manik Parasi, Police Station- Karakat, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arvind Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sri Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 09-11-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Karakat Police Station Case No. 104 of 2016, disclosing offences under Sections 341, 354(B), 376, 511 and 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act (POCSO) Act, 2012.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the alleged occurrence took place on 25.06.2016 whereas the F.I.R. has been lodged after lapse of 8 days without explaining the plausible delay, which itself creates doubt over the prosecution version. Moreover, the

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victim has given contradictory statement during course of investigation to the F.I.R. No medical report is available on record with respect to commission of rape upon the victim. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas, in connection with Karakat Police Station Case No. 104 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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