

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47850 of 2017

Arising Out of PS. Case No. -226 Year- 2014 Thana -BIHTA District- PATNA

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Bholi Paswan @ Bholi Kumar, Son of Late Kariman Paswan, Resident of
Village- Kateshwar, P.S.- Bihta, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Saket Anand, Advocate

For the Opposite Party: Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 07-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, who is in custody since 31.05.2016, has renewed his prayer for bail in connection with Special Case No. 103 of 2017 arising out of Bihta P.S. Case No. 226 of 2014 having earlier been rejected by order dated 24.10.2016 in Criminal Miscellaneous No. 46399 of 2016.

3. It is submitted that the petitioner has been falsely implicated and even according to the first information report, the petitioner is alleged to have merely been present in the car and no overt act is attributed to him. The thrust of accusation is against co-accused Shatrudhan Yadav in respect of whom however the informant and her daughter (victim) have submitted affidavits exonerating him and on the basis of which Shatrudhan Yadav has been granted bail. It is further stated that co-accused Chanchala Devi along with whom the petitioner is said to have committed the offence has already been granted bail by the learned court below itself. It is further stated that even on earlier occasion an FIR in Bihta P.S. Case No. 91 of 2010 was instituted by the informant with similar allegation against other villagers which, upon due



investigation, was found to be false and the final form was submitted by the police. It is therefore submitted that the informant and the so-called victim habitually institute the FIR of this nature merely for the purpose of harassment. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case and having regard to the period of custody of the above named petitioner since 31.05.2016, let him be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special POCSO Court, Patna in connection with Special Case No. 103 of 2017 arising out of Bihta P.S. Case No. 226 of 2014, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

B.T/Chandran

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(Vikash Jain, J)

