

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29258 of 2018

Arising Out of PS.Case No. -161 Year- 2017 Thana -CHAKAND District- GAYA

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1. Sanjiv Paswan @ Sanjeev Paswan, Son of Late Mishri Paswan,
Resident of Village- Bitho Sharif, P.S.- Chakand, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 29-06-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chakand P.S. Case No.161 of 2017 registered for the offences
punishable under Sections 376, 354(D), 509 of I.P.C. and Section
67(A) of Information Technology Act and Section 12 of POCSO
Act.

It is alleged that this petitioner developed relationship
with the informant and started sexual intercourse with her. This
petitioner on 22.12.2017 forcibly raped her and prepared a video
clip and spread through whatsapp.

It has been submitted that this petitioner has been
falsely implicated on account of local politics. The allegation of



preparing video clip of the informant is against Rahul Paswan and so no offence under Section 67(A) of I.T.Act is made out. He is in custody since 24.12.2017 having clean antecedent.

The learned A.P.P. for the State opposed the submission.

From perusal of F.I.R. and the case-diary, I find that the victim is minor aged about 16 years. The doctor has also assessed the age of the victim as 16 years. The informant in her statement made before magistrate has also supported the allegation of rape against the petitioner. In course of investigation, a large number of witnesses have supported the allegation of rape against the petitioner. After investigation, police have submitted charge sheet against the petitioner and cognizance for the offence in question has been taken.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer of bail is accordingly rejected.

(Sanjay Kumar, J)

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