

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39505 of 2018

Arising Out of PS. Case No.-13 Year-2018 Thana- JALE District- Darbhanga

Vishal Kumar Paswan, Son of Budhan Paswan, Resident of Village- Baingra,
P.S.- Bisfi, Distt- Madhubani ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ramashankar Singh, Adv.
For the Opposite Party : Mr. Arun Kumar, APP 82

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

Petitioner seeks bail in connection with Jale P.S. Case No. 13 of 2018 for offences alleged under Sections 341, 323, 376, 504 and 34 of the Indian Penal Code and 4 and 6 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by the informant, is that while he was working in Kolkata and his wife was staying with him, his daughter, Rinki Kumari, aged 15 years, was living in the village with his bhabhi. When he came to the village he came to know that the petitioner was committing rape of his daughter since one year. On 23.01.2018, he was found hiding in the house and was caught, his 3-4 friends tried to free him, but, the petitioner was handed over to the police and since then he is languishing in judicial custody.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there was love affair between the petitioner and the victim-girl. He submits that as per the medical report her age has been assessed as 16-17 years and that she has nine months pregnancy. He, further, submits that the charge sheet has already been submitted and there is no allegation of tampering of prosecution witness by the petitioner.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Jale P.S. Case No. 13 of 2018 to the satisfaction of the learned Additional Sessions Judge I-cum-Special Judge, POCSO Act, Darbhanga, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court



below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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