

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39981 of 2019

Arising Out of PS. Case No.-45 Year-2017 Thana- DANIYAWAN District- Patna

Devendra Paswan Son of Late Shree Paswan @ Shree Das Resident of
Village- Arai Mustafapur, P.S.- Daniyawar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Dubey

For the Opposite Party/s : Mr. Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Daniyawar P.S. Case No. 45 of 2017 registered for the offence
punishable under Sections 341, 354, 376, 511, 504/34 of the
Indian Penal Code and Section 8 of POCSO Act.

While the informant along with her sister was
proceeding for defecation, co-accused Binay Kumar Paswan and
Ashok Paswan surrounded them and teased and misbehaved
with them. They also tried to outrage their modesty. However,
they anyhow managed to escape. Chandan Kumar and one
another accused present there were laughing during the
occurrence. Said Chandan Kumar and petitioner Devendra



Paswan harbour the accused persons at their houses.

It is submitted by learned counsel for the petitioner that the petitioner has no concern with the aforesaid occurrence. He has been falsely implicated in this case. There is no eyewitness of the occurrence. He happens to be S.I. and on the date of occurrence, he was on duty at P.S.Tatarpur, district Bhagalpur. In the written report, informant has not named the petitioner in the occurrence rather has only alleged about patronizing the accused persons by the petitioner. Though, the victims in her statement under Section 164 Cr.P.C. have stated that the petitioner was also giving company to the accused persons at the time of occurrence but the said statement is in quite contradiction to the prosecution case, and moreover, petitioner has not committed any sort of offence against the victims.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Addl. District & Sessions Judge-I-cum-Special Judge, POCSO, Patna in connection with Daniyawan P.S. Case No. 45 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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