

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42715 of 2019**

Arising Out of PS. Case No.-74 Year-2019 Thana- SHERGHATI District- Gaya

UPENDRA PASWAN Son of Surendra Paswan Resident of Village- Keshapi,
P.S.- Dhobhi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Satyavrat Verma

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 10-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sherghati (Dhobi) Police Station Case No. 74 of 2019, disclosing offences under Sections 341, 323, 504, 354(B) (D) of the Indian Penal Code and Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

The allegation against the petitioner is that while the informant was going to her house from coaching, she was intercepted by the petitioner, who caught hands of the informant and forced her to go with him. On protest, the petitioner gave fist blows to her and tried to take the informant away after pressing her mouth.

Learned Counsel for the petitioner submits that the



petitioner is innocent and a false and concocted case has been lodged due to village politics and from perusal of the First Information Report, it would be evident that the occurrence has allegedly taken place near Panchaohini Tola Aahar, which is a busy place, but only three co-villagers have seen the occurrence and have been made witness. He further submits that except Section 354 (B) of the Indian Penal Code, all other sections are bailable and no offence under the provisions of the Protection of Children from Sexual Offences Act, 2012 is made out upon reading the First Information Report.

After having heard learned Counsel for the parties and taking into consideration the fact that allegedly hand of the informant was caught by the petitioner and there is no allegation that the petitioner tried to disrobe the informant and has committed any sexual assault on her, this application is allowed.

Let the petitioner, Upendra Paswan, in the event of his arrest or surrender before the Court below within four 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 1st Additional Sessions Judge, Gaya, in connection with Sherghati (Dhobi) Police Station Case No. 74 of 2019, subject to the condition laid down under Section 438



(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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