

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75170 of 2018

Arising Out of PS. Case No.-176 Year-2018 Thana- MUFFASIL District- Aurangabad

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1. Harendra Paswan, S/o Sijya Paswan,
 2. Krishna Paswan, S/o Kamdev Paswan,
 3. Kamlesh Paswan, S/o Krishan Paswan,
 4. Manoj Paswan, S/o Bishnupat Paswan,
 5. Bachchan Paswan, S/o Krishna Paswan,
 6. Upendra Paswan, S/o Late Naresh Paswan,
 7. Dharmendra Paswan, S/o Krishna Paswan,
 8. Sijay Paswan @ Sijya Paswan, S/o Parwesh Paswan, All R/o Village- Pipra,
P.S.- Mufassil, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh
For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 452, 323, 325, 307, 354, 354(A)/34 of the I.P.C. and under Section 8 of POCSO Act.

The prosecution case as per the written report of Kailaspati Vishwakarma, submitted to the S.H.O., Aurangabad (Muffasil) P.S. is to the effect that on 06.10.2018 at about 11.45 P.M., the neighbour of the informant Niraj Kumar, son of petitioner no.6, Upendra Paswan, entered into the house of the informant and tried to outrage the modesty of the daughter of the informant.



On alarm being raised by the daughter of the informant, co-accused, Niraj Kumar escaped from the scene. Thereafter, the family members of co-accused, Niraj Kumar came to the house of the informant and started abusing the informant. It is further alleged that all the accused persons assaulted the informant.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true, no offences under Sections 354 (A) and 354 of the I.P.C. or under Section 8 of the POCSO Act is made out against the petitioners. Moreover, specific accusation has been levelled against co-accused Niraj Kumar, the son of the petitioner no.6, Upendra Paswan. It is further submitted that there is a counter version of occurrence being Aurangabad (Muffasil) P.S. Case No. 177 of 2018, against the informant side. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault has been levelled against the petitioners.

Considering the fact that the thrust of accusation is against the co-accused, Niraj Kumar, son of petitioner no.6, Upendra Paswan, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any



criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **1st Addl. Sessions Judge-cum-Spl. Judge, Aurangabad** in connection with **Muffasil P.S. Case No. 176 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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