

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70313 of 2018

Arising Out of PS. Case No.-113 Year-2018 Thana- SANGRAMPUR District- East
Champaran

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Rajesh Paswan Son of Naga Paswan, Resident of Village-Nautan Dih, Police
Station - Sangrampur, District-East Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate
For the Opposite Party : Mr. Jitendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 354 of the Indian Penal Code and Section 4
and 6 of the POCSO Act registered in connection with Sangrampur
P.S. Case No. 113 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and in any event, the offence under Sections 4 and 6 of
the POCSO Act on the face of it is not made out. Moreover, the
allegation that the petitioner caught hand of the informant asking her
when she would meet him, does not in itself disclose any likelihood
that he would outrage her modesty and as such the ingredients of
Section 354 of the Indian Penal Code are also not attracted. The
petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest
or surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)
with two sureties of like amount each to the satisfaction of learned 1st



Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Sangrampur P.S. Case No. 113 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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