

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67885 of 2018

Arising Out of PS. Case No.-195 Year-2018 Thana- KONCH District- Gaya

Ramesh Paswan, son of late Bachu Paswan, Resident of Village-Kamladih,
P.O.-Purnakala, P.S.-Paraiya, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 02-01-2019 Heard learned counsels for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since 07.07.2018 in a case registered for the offences punishable under sections 395,397,376D,376(3),376 (DA) of the Indian Penal Code and Section 6 of the POCSO Act.

The prosecution case got initiated on the Fardbeyan of Gopal Saw, recorded by C.I. Arun Rajak, Tikari Circle on 14.06.2018 at 12.00 Hours at Gurara Police Station to the effect that on 13.06.2018 at 8.45 P.M., the informant was returning from his shop to his house along with his wife and daughter, when 4-5 unknown accused persons not only robbed Rs.2,000/- from the pocket of the informant, but they also ravished the daughter and wife of the informant.



It is submitted by learned counsel for the petitioner that the petitioner was identified in TIP of one of the victim Soni Devi, but in the third attempt. It is further submitted that the witnesses have only suggested that the petitioner took out money from the pocket of the informant, except this they have not alleged anything against the petitioner, hence, no offences under Section 376 and Section 6 of the POCSO Act is made out against the petitioner. It is further submitted that some of the co-accused have been granted bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous Nos.66450/2018 and 66472/2018.

Learned APP after going through the case diary submits that the petitioner has been identified in the TIP by one of the victim Soni Devi and the accusation is not only robbing money from the pocket of the informant, but it is also of ravishing the wife and daughter of the informant. Moreover, on conclusion of investigation, the petitioner has been charge-sheeted. Though, other co-accused persons have been granted bail by a co-ordinate Bench of this Court, but neither they were identified in TIP, nor they were sent up for trial.

Keeping in view the nature of accusation, this Court is not inclined grant bail to the petitioner, for the present.



Accordingly, the prayer for bail of the petitioner in connection with Konch P.S. Case No. 195/2018, pending before the learned ADJ-I-cum-Special Judge, POCSO, Act is rejected.

However, the petitioner would be at liberty to renew his prayer for bail, if the trial is not concluded within a period of one year.

(Dinesh Kumar Singh, J)

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