

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82283 of 2019

Arising Out of PS. Case No.-141 Year-2018 Thana- KHAJAULI District- Madhubani

YUGATI PASWAN Son of Turant Paswan Resident of Village - Ekdara, P.S.-
Khajauli, District - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 15.10.2019 in connection with Khajauli P.S.Case No. 141 of 2018, G.R.No.75 of 2018 for the alleged offences under Sections 341, 323, 376, 313, 452, 504 and 34 of the Indian Penal Code and Section 3/4 of the POCSO Act.

3. It is submitted that the petitioner has been falsely implicated in connection with the alleged rape upon the informant. It is submitted that specific accusation in this regard has been made against co-accused Khaiku Paswan and Vikram Paswan for commission of rape, while the petitioner is alleged to have been present subsequently at the time of abortion. The informant has given a different version in her statement



recorded under Section 164 Cr. P.C., wherein she stated that the aforesaid co-accused Vikram Paswan had held down her hand during the commission of rape by Khaiku Paswan while the petitioner is said to have asked her not to file the FIR until the *panchayati*. The said Vikram Paswan has been granted bail by this Court in Cr. Misc. No. 49067 of 2019. The petitioner claims clean antecedents.

4. Be that as it may, let the petitioner above named 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 District and Sessions Judge-cum-Special Judge, POCSO Act, Madhubani in connection with Khajauli P.S.Case No. 141 of 2018, G.R.No.75 of 2018 on the following 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 co-operate 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.



(iv) 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.

(Vikash Jain, J)

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