

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12826 of 2020**

Arising Out of PS. Case No.-50 Year-2019 Thana- MAHILA PS District- Darbhanga

Vicky Paswan @ Vicky Kumar Paswan, S/o Ram Kumar @ Ram Kumar
Paswan Resident of Village- Karhari Benipur, P.S.- Bahera, Distt- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 15-09-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 50 of 2019, registered under Sections
323, 341, 342, 354 and 354(A)/34 of the Indian Penal Code,
pending in the court of the learned A.D.J-I, Darbhanga.

The accusation is that on 14.06.2019 at about 9.00
P.M., informant moved from her house to attend call of nature.
At that time, petitioner put handkerchief, containing
intoxicated material, at her mouth then she fell down.
Thereafter, petitioner unfold her clothes and tried to make her
video then informant made protest, but, she again became
unconscious, thereafter, what happened she could not know.
While petitioner tried to take her at another place, but she



started weeping then she was assaulted and she was kept in orchard in whole night. But, in course of taking away from there, the petitioner and others heard sound of coming of some persons then they fled away leaving her in the orchard. The local people came there and carried her at house. Since, she was not fit, she went at Police Station on 21.06.2019 and lodged the present case.

Learned counsel appearing on behalf of petitioner submits that POCSO Act would not be applicable in this case, as the age of the victim has been assessed in between 18 to 19 years. Further submission is that, in fact, due to love affairs in between petitioner and informant, the informant started to give pressure for marriage to the petitioner, but petitioner was not ready to perform marriage without consent of his parents, due to that reasons, the victim lodged the present case.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law



without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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