

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15370 of 2020

Arising Out of PS. Case No.-60 Year-2018 Thana- BRAHMPUR District- Buxar

MOTAK PASWAN @ PAWAN PASWAN, aged about 25 years, Gender (Male), Son of Dadan Paswan, Resident of Village - Banswar, P.S.- Brahmpur, District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Satyapal Singh, Advocate.
For the Opposite Party : Mr.Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 316/34, 120(B) of the IPC and 17 of POCSO Act.

The prosecution story, in brief, is that on 11.11.2017, the victim was given into the custody of her mother in connection with Brahampur P.S. Case No. 431 of 2017 after recording the statement of the victim under Section 164 of Cr. P.C. while being examined by the Medical Board, the victim was found pregnant of 10 weeks and aged about 15 to 16 years. Investigation was going on in that case. In the meantime, the condition of the victim was being deteriorated, hence, she has



been admitted in the hospital. While the treatment was going on, this petitioner in collusion with several staff of the Nursing Home, caused miscarriage to the victim without knowledge of her.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 13.09.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Prior to institution of the present case, a case was also instituted for an offence under Section 366(A) of the IPC in which the petitioner was made accused. The victim was examined under Section 164 Cr. P.C. The victim had no case. While a report has been received that she was pregnant but later on for oblique reason, the Investigating Officer got separate case instituted for an offence under Section 316 of the I.P.C. Hence, the present application has been preferred.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Ist-cum-Special Judge, Buxar, in connection with Brahmpur P.S. Case No. 60 of 2018, corresponding to POCSO Case No. 40 of 2019.

(Sudhir Singh, J)

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