

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20657 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- SABAUR District- Bhagalpur

1. Perween Kumar @ Siddharth Kumar Son of Mahendra Paswan, Resident of Village - Bansitikar, P.S.- Sabour, Distt - Bhagalpur.
2. Fantus Paswan @ Prashant Paswan Son of Ruppen Paswan, Resident of Village - Bansitikar, P.S.- Sabour, Distt - Bhagalpur.
3. Sonu Kumar Son of Ashok Paswan, Resident of Village - Bansitikar, P.S.- Sabour, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 06-11-2020 Heard learned counsel for the petitioners and learned counsel for the State through Video Conferencing.

In this case, the petitioners are seeking regular bail in connection with Sabour P.S. Case No. 265 of 2019 registered for offence punishable under sections 323, 341, 376 (D) (A) of the Indian Penal Code read with section 6/8 of the POCSO Act.

One Chhoti Kumari filed written complaint making allegation that on 14.08.2019 at about 6-7 P.M., she was on walk, in the meantime, Praween Kumar, Fantus Paswan @ Prashant Paswan Sonu Kumar of village Banstitikar, PS-Sabour, District-Bhagalpur, forcibly abducted and took her towards



orchard where she was put to sexual assault, thereafter, they dropped her at Bhagalpur Railway Station. She was waiting, in the meantime, one aunt-lady came there and she suggested to accompany her, thereafter, she went along with that lady to the State of Punjab, entered into marriage with the son of the lady and thereafter, she returned to her native place.

Learned counsel for the petitioners submits that petitioners have wrongly been framed on account of some dispute with respect to marriage of his brother with one Rubi Devi and on that account, inasmuch as by making an artificial story and has placed reliance on paragraphs 98, 99 and 100 of the case diary whereas learned counsel for the State submits that the victim made a written complaint as well as she was examined under section 164 Cr.PC where direct allegation has been made against the present petitioners to be committed rape upon her.

Having considered the rival contentions of the parties, it appears that it is a very unnatural story. If the victim girl was put to sexual assault and thereafter she was dropped at Bhagalpur Railway Station which is adjacent to town of Bhagalpur district, she would prefer to return her native village or house, but in stead of that she had gone to Punjab along with



a stranger lady, entered into marriage and returned after some time from the State of Punjab.

Looking to the fact of independent witnesses and the nature of the story has been stated by the informant, let the petitioners be released on regular bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Court of Special Judge, POCSO, Bhagalpur/Successor Court in connection with Sabour P.S. Case No. 265 of 2019, subject to the condition that one of the bailors of the petitioners shall be a close relative. The petitioners will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Shivaji Pandey, J)

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