

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29023 of 2020

Arising Out of PS. Case No.-20 Year-2017 Thana- MAHILA P.S. District- Vaishali

=====

DHARMENDRA PASWAN Son of Prem Kumar @ Chamru Paswan Resident
of Village- Sohathi, P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Bela Singh , Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Pushpa Sinha, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honor his



undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Mahila P. S. Case no. 20 of 2017 instituted for the offence under Section 376 of the Indian Penal Code and Sections 4,6,8,10 and 12 of the POCSO Act.

The allegation is of rape having been committed on the 13 years old daughter of the informant.

Referring to the depositions of informant, his wife as well as the victim, copies of which have been annexed as Annexure-2 series, petitioner's counsel submits that none of them have supported the allegation. In fact, they have stated to the contrary that no such occurrence has taken place. Under such circumstances, it is submitted that no offence under the POCSO Act would be made out against the petitioner.

Petitioner is in custody since 13.01.2020 having no criminal antecedents.

The learned APP has opposed the prayer for bail, but not in a position to dispute submissions based on Annexure-2 series.

Considering the aforesaid, 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 the 1st Additional Sessions Judge-cum Special Judge, POCSO Vaishali, in connection with Mahila P.S. Case no. 20 of 2017, G.R. No. 168 of 2017, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

