

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75698 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- CHENARI District- Rohtas

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1. Vivek Paswan Son of Shashi Paswan @ Shashi Bhushan Diwakar Resident of Village- Chandrakaithi, P.S.- Chenari, District- Rohtas
 2. Bobby Dewal @ Bobby Dewal Paswan Son of Rang Lal Paswan Resident of Village- Chandrakaithi, P.S.- Chenari, District- Rohtas.

... .. Petitioners

Versus

1. The State Of Bihar
2. Vijay Ram Son of Sukai Ram Resident of Village- Sarean, P.O.- Chandrakaithi, P.S.- Chenari, District- Rohtas.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv.
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Vinay Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 17-06-2020 Heard Mr. Y.C. Verma, learned counsel for the petitioners, Mr. Jai Narain Thakur, learned counsel for the State and Mr. Vinay Kumar Mishra, learned counsel for the informant via video conferencing.

The petitioners have filed the present application for grant of pre-arrest bail in connection with Chenari P.S. Case No. 149 of 2019 registered for the offence punishable under Sections 341, 323, 354A, 504 and 506/34 of the Indian Penal Code, Section 8/12 of the POCSO Act.



It is submitted by Mr. Y.C. Verma, learned counsel for the petitioners that no occurrence as alleged had ever taken place. He contended that there is no explanation for the extraordinary delay caused in instituting the FIR. As per the prosecution case, the occurrence took place on 13.06.2019 at 10:00 am, the place of occurrence is densely populated area and is adjacent to Chenari Bazar and one cannot imagine that in presence of so many persons, anyone would dare to drag a girl with an ill intention. He further contended that from the first information report itself it would transpire that the informant had arrived at the place of occurrence immediately but, he has not stated a word as to why he did not approach the police on the date of occurrence and instituted the case after two days.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Regard being had to the submissions made above and the materials available on record, in the event of their arrest or surrender before the court below, the petitioner is directed to 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 Addl. District & Sessions Judge, Rohtas at Sasaram in connection with Chenari P.S. Case No.



149 of 2019, subject to the condition as laid down under Section
438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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