

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86661 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

Kapildeo Paswan Son of Late Hardeo Paswan Resident of Village - Sankh,
Rajmahla, P.S.- Muffasil, District- Begusarai

... .. Petitioner

Versus

1. The State of Bihar
2. Urmila Devi Wife of Mahendra Chaudhari Resident of Village - Sankh Raj
Mahla, P.S.- Muffasil, District- Begusarai

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manoj Kumar Singh, Advocate
For the Opposite Party : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in connection with
Begusarai Complaint Case No.40 of 2018 in which cognizance
has been taken under Sections 3(b) and 4 of the Protection of
Children from Sexual Offences Act, 2012.

It is submitted by the learned counsel for the
petitioner that the petitioner has been implicated in the case due
to previous enmity. No occurrence as alleged had ever taken
place. As a matter of fact, the instant case has been instituted in
retaliation to Muffasil (Begusarai) P.S. Case No.75 of 2018
registered *inter alia* under Section 307 of the Indian Penal
Code. In that case, the husband of complainant, namely,



Mahendra Choudhary and her two sons, namely, Sanjay Choudhary and Ajay Choudhary were taken into custody and only in order to take revenge the instant case has been registered. It is further contended that though the alleged date of occurrence is 13.02.2018, the complaint has been filed on 01.06.2018 and there is no plausible explanation for the inordinate and unexplained delay caused in filing of the complaint.

Learned counsel for the State has opposed the prayer for grant of bail to the petitioner.

Regard being had to inordinate and unexplained delay in institution of the complaint and also the submissions advanced on behalf of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, POCSO, Begusarai in connection with Special Case No. 04 of 2018 arising out of Complaint Case No.40 of 2018.

(Ashwani Kumar Singh, J)

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