

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15990 of 2021**

Arising Out of PS. Case No.-50 Year-2019 Thana- MAHILA PS District- Darbhanga

VICKY PASWAN @ VICKY KUMAR PASWAN S/o Ram Kumar Paswan
R/o village- Karhari Benipur, P.S.- Bahera, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 23-09-2021

Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 323, 341, 342, 354, 354(A), 34 of the I.P.C. and Sections 8, 12 of POCSO Act.

Allegation against the petitioner is that along with two other associates he took into grip the informant, a girl aged about 17 years unrobbed her and made video of her bare body. On protest by the informant she was assaulted and met to be in semi unconscious condition.

Learned counsel for the petitioner submits that there is delay of seven days in lodging of the FIR. Medical report would show that no sign of sexual assault etc. was found. During investigation no video etc. of the act alleged was produced. Petitioner is in custody since 23.11.2020. The doctor has



assessed the age of the informant between 18 to 19 years. Land dispute between the parties is reason for false implication.

There is no substantial material for land dispute. The victim cannot be disbelieved at this stage. Hence, considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Prayer for bail is refused in connection with Mahila P.S. Case No. 50 of 2019 corresponding to POCSO G.R. No. 30 of 2019 pending in the court of learned Special Judge (POCSO), Darbhanga.

However, petitioner may renew prayer for bail after framing of the charges before the court below itself, who shall pass an order accordingly.

(Birendra Kumar, J)

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