

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 37208 of 2021**

Arising Out of PS. Case No.-287 Year-2019 Thana- BARGAINIA District- Sitamarhi

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SANOJ PASWAN @ SANOJ KUMAR @ LALWA @ LAPKA @ LAL  
PASWAN Son of Sakhichand Paswan R/o Village- Belaganj, P.S.- Bairginia,  
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms Sangeeta Sharma, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      14-12-2021**                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor (for brevity, *APP*) appearing for  
the State of Bihar.

The petitioner seeks bail in Bairginia Police Station  
(for brevity, *PS*) Case No 287 of 2019 instituted for the offence  
punishable under Sections 363A, 376, 372, 120B of Indian  
Penal Code and Sections 5 and 6 of Protection of Children from  
Sexual Offences (for brevity, *POCSO*) Act.

Learned counsel for the petitioner submits that the  
petitioner's implication in this case is a sequel to his implication  
in earlier Bairginia PS Case No 94 of 2019, having the same  
allegation. Considering the statement of the victim recorded  
under Section 164 of Criminal Procedure Code (for brevity, *Cr*



*P C*), the petitioner has been allowed bail by this Court in Cr Misc No 36958 of 2021. Submission is that the grounds for bail in the instant case are one and the same, being that the statement of the victim under Section 164 of Cr P C belies the prosecution case. The petitioner is in custody since 20.01.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV -cum- Special Judge, POCSO, Sitamarhi in Bairginia PS Case No 287 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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