

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37832 of 2021

Arising Out of PS. Case No.-411 Year-2020 Thana- MANER District- Patna

Raj Ballabh Paswan S/O Late Kameshwar Paswan R/O Village-Nagwan, P.S-
Maner, District-Patna, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 29-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Special Case No. 145 of 2020, arising out of Maner P.S. Case No. 411 of 2020, registered for the offence under Section 341, 323, 504, 506, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, on 04.08.2020 at about 2.00 hrs., while the four years old son of informant went to the shop of petitioner, it is alleged that this petitioner committed sexual assault with him.

It is submitted on behalf of petitioner that petitioner is 98 years old and it is unlikely that he shall indulge in an act punishable under the POCSO Act. It is further submitted that from bare perusal of FIR, it is apparent that after the panchayati, the matter was resolved. In fact, wife of the informant Rekha



Kumari had took loan of Rs. 1200/- from the petitioner, which he (petitioner) demanded and pursuant to that, a dispute arose between them and the present false and concocted case has been lodged against this petitioner. Petitioner claims clean antecedent and he is in custody since 27.02.2021.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation against the petitioner of committing sexual assault against a minor boy.

Considering the nature and gravity of the offence, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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