

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36323 of 2020

Arising Out of PS. Case No.-195 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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SUSHIL PASWAN Son of Gyan Paswan Resident of Balha, P.S.- Kusheshar
Asthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the State : Mr. Satyadeo Singh Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-01-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his
undertaking given in the instant case for depositing the requisite
court fee and to remove the defects as pointed out by office
when called upon.

The petitioner seeks bail in Kusheshwar Asthan P S Case
No 195 of 2020 instituted for the offence under Section(s) 376
of the Indian Penal Code and Section 4/6 of the POCSO Act.

Learned counsel for the petitioner submits that the entire
prosecution case of alleged rape committed by the petitioner
stands falsified by the statement of the victim recorded under
Section 164 Cr PC (Annexure 3 of the petition). It is submitted
that from perusal of the same, it would appear that because there
was a free fight between the parties, the petitioner has been
implicated at the instance of the family members of the
informant. The petitioner has no criminal antecedents, though
there is one more case which was instituted after this occurrence



that also by the same family.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, 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 the learned Special Judge, POCSO Act, Darbhanga, in connection with POCSO, GR No 34 of 2020, arising out of Kusheshwar Asthan P S Case No 195 of 2020, 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.

(Madhuresh Prasad, J)

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