

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38960 of 2020**

Arising Out of PS. Case No.-50 Year-2020 Thana- NARAINPUR District- Bhojpur

RAMASHANKAR PASWAN Son of DINESHWAR PASWAN Resident of
Village- Baruna, P.S.- Narayanpur, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 20-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with POCSO Case No. 48 of 2020 arising out of Narayanpur P.S. Case No. 50 of 2020 registered for the offences punishable under Sections 354B, 323, 504, 506 and 447 of the Indian Penal Code and Section 7/8 of the Protection of Children from Sexual Offences (POCSO) Act.

Learned counsel for the petitioner submits that as per the prosecution story, the petitioner had entered into the house of the informant at about 11.00 pm on 26.06.2020 and after entering into the house he had forcibly teased the victim girl, abused her and had



assaulted her whereupon she started shouting, at this stage the petitioner fled away threatening her to kill if any case is lodged.

Learned counsel submits that the informant is the niece of this petitioner. Because of the family quarrel and dispute over petty issues, the petitioner has been framed in this case. Learned counsel further submits that petitioner is in custody in connection with this case since 29.06.2020, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, thus petitioner deserves privilege of bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is, however, not contested that the informant happens to be the niece of the petitioner and there is no eye-witness to the alleged occurrence.

Having regard to the facts and circumstances of the case, the relationship between the parties and the materials on record as also that the petitioner has remained in custody for over one year, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Bhojpur at Ara in connection with POCSO Case No. 48 of 2020 arising out of Narayanpur P.S. Case No. 50 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

