

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39983 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

RAM PRAKASH PASWAN @ OM PRAKASH PASWAN Son of Late
Choudhary Paswan Resident of Village- Muradpur Dullah, P.S.- Ariyapur,
Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr. Thakur, Adv,
: Ms.Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 342, 354, 354(B) & 506
of the Indian Penal Code and Sections 4, 6, 8, 10 of the POCSO
Act.

The prosecution case in brief is that on 03.07.2020 it
has been alleged that her grandfather asked the informant that if
she wanted to have sweets she can come alongwith him to the
market and thereby the informant agreed to go with the
petitioner herein and it has been further alleged that the
petitioner herein took her at his house situated in Mithanpura
colony and further alleged that he asked her to swear that
whatever he does with her she should not share it with her
parents and thereby it is alleged that the petitioner has forcibly



bad behaviour with her but the informant managed to run away and entered in the house of a stranger and narrated the incident to an aunty present there and later on her mother and father also.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is an employee in S.K.M.C.H., Muzaffarpur and out of his own earning he has purchased total 06 katthas of land by three registered sale deeds at three different places in Muzaffarpur thereby similarly 02 kattha of land has been purchased by wife of the petitioner from her “ISTRI DHAN” which is situated in mohalla Bhagwanpur.

Learned counsel for the petitioner further submits that the petitioner has four sons out of them Late Briju Paswan has three daughters where as Arjun has 02 daughters. The father of the present informant namely Arvind Paswan has 02 sons and 02 daughters and he had performed love marriage and from the time his wife started living in the house she very strongly started insisted for partition and further wanted to have share in the self acquired property of the petitioner but the petitioner is not ready thereafter, the present case has been lodged against the petitioner. There is land dispute between the parties. The petitioner is in jail custody since 29.08.2020. The petitioner has



no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned counsel for the informant submits that there is specific allegation against the petitioner which is supported by the statement of the victim recorded under Section 164 Cr.P.C.

Learned APP for the State opposes the prayer for bail petition.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Mahila P.S. Case No. 35/2020 from the Court of learned A.D.J.-7th cum Special Judge, POCSO, Muzaffarpur.

Accordingly, this application is dismissed.

However, the trial court is directed to conclude the trial within nine months.

(Anjani Kumar Sharan, J)

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