

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4153 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- KAKO District- Jehanabad

Ravindra Paswan, S/o Late Mathura Paswan, R/o village- Kako Paswan Tola,
P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Srikant Pandey, Advocate
Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Srikant Pandey, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with POCSO Case No. 20 of 2021, arising out of Kako P.S. Case No. 171 of 2020, for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 326, 354, 307, 504, 506 of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, it is alleged that on 18.08.2020 at about 5.00 PM while the daughter of the



informant was returning to home, in the meantime, co-accused Yogendra Paswan and Shailesh Paswan misbehaved her and caught her hand. When his daughter raised hull, whereupon his mother came to save her. It is further alleged that in the meantime all the accused persons including this petitioner assaulted his daughter and mother.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is general and omnibus allegation against all the F.I.R. named accused persons, except Amrit Paswan, Satrodh Paswan, Deepak Paswan, Rajendra Paswan, Sikander Paswan, Chittu Paswan and Mithu Paswan. So far as this petitioner is concerned, except the allegation of being the members of the mob, there is no allegation of any overt act against him. It is further submitted that there is enmity between both the parties and due to which the name of the petitioner has been implicated, apart from the fact that with regard to an occurrence, which took place on 18.08.2020, the present F.I.R. has been instituted on 21.08.2020 without giving any explanation of delay in lodging the F.I.R. It is also stated that co-accused Sikander Paswan, against whom there is allegation of assault and Jitendra Paswan, who was said to be the members of the mob, have already been granted bail by the



learned co-ordinate Bench of this Court in Cr. Misc. No. 10348 of 2021 vide order dated 30.06.2021, the copy of which has been produced before this Court and the same has been taken on record.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner is named in the F.I.R. and he has also actively participated in the crime.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus nature of allegation against the petitioner, apart from the fact that other co-accused persons having similar allegations have already been granted bail by the learned co-ordinate Bench of this Court, inasmuch as this petitioner is in custody since 08.10.2021 having clean antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum- Special Court, POCSO, Jehanabad in connection with POCSO Case No. 20 of 2021, arising out of Kako P.S. Case No. 171 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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