

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6551 of 2022

Arising Out of PS. Case No.-56 Year-2020 Thana- SAHODARA District- West Champaran

Navin Kumar, Son Of Gobardhan Paswan, R/O Village- Bazra, P.S.-
Sahodara, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr. Binod Kumar Sinha, Advocate
	Mr. Vikramdeo Singh, Advocate
For the Opposite Party/s	: Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sahodara P.S. Case No. 56 of 2020 registered for the alleged offences under Sections 341, 342, 323, 447, 354(b), 354(d), 504 of the Indian Penal Code and Section 8/18 of POCSO Act.

The prosecution case is that the petitioner caught hold of minor informant girl and, in order to establish illicit physical relationship, tore her clothes and opened her *salwar*. When the brother of the informant tried to save her both, the informant and his brother, were assaulted.



The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The prosecution case has been lodged against the petitioner due to enmity. Though, there is allegation of sexual assault, but in the medical examination, no external injuries were found. The age of the informant girl was assessed to be 17-19 years by the medical board and, due to this fact, there will be no application of provisions of POCSO Act. Even from the Adhar card, the victim girl was aged about 18 years on the date of the occurrence. The learned counsel further submits that moreover a compromise has been effected between the petitioner and the brother and father of the victim girl and the victim girl has also put her thumb impression on the compromise petition. The petitioner is in custody since 23.08.2021.

Learned APP opposes the prayer for bail for the petitioner submitting that there is direct and specific allegation against this petitioner for sexual assault against the informant, who is a minor girl.

Having regard to the submissions made hereinabove and considering the nature of allegation against the petitioner and absence of injuries and the age of the victim girl as well as



the fact that charge sheet has been submitted in this case and the petitioner is in custody since 28.03.2021 and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-7th-cum-Special Judge (POCSO), West Champaran, Bettiah. in connection with Sahodara P.S. Case No. 56 of 2020, subject to the following conditions :

- (i) The petitioner will not try to meet the victim/ informant or the witnesses and will not try to influence the trial in any manner.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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