

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24645 of 2021

Arising Out of PS. Case No.-625 Year-2020 Thana- SAKRA District- Muzaffarpur

ASHOK PASWAN S/o Late Sukhadev Paswan Resident of Village- Boariya,
P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341,323,504,506,509,379 of the Indian Penal Code read with Sections 7,11, and 12 of Protection of Children from Sexual Offences Act, 2012.

The prosecution case, in short, is that the petitioner having entered into the house of the informant while her two daughters were in the house, and started outraging her modesty with her minor daughter and bite on her body. Petitioner also took out Rs.4,000/- from the house.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation against the petitioner is that he pressed the mouth of the victim and bite on her body. He further submits that the medical report also suggests that the Doctor has also found teeth bits mark on upper part of right breast of the victim. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.11.2020.

Vide order dated 08.03.2022, a report was called for with regard to the stage of the trial. Report reveals that the charge has been framed against the petitioner on 08.10.2021 and the case is running for prosecution evidence and till date not a single witness produced by the prosecution.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned Court below where the case is pending in connection with Sakara Police Station Case



No.625 of 2020, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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