

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16895 of 2022

Arising Out of PS. Case No.-9 Year-2014 Thana- NOKHA District- Rohtas

=====

SHAILENDRA KUMAR @ SHAILENDRA @ SATENDRA PASWAN Son
of Mahendra Paswan Resident of Village - Mani, Police Station - Nokha,
District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects
within stipulated period, office will place the matter before the
Bench.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 366-A, 376/34 of the
Indian Penal Code and section 4 of POCSO Act.

Allegedly, daughter of the informant has been kidnapped
by the F.I.R. named accused persons.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He is not named in the F.I.R. and has been falsely implicated in this case due to ulterior motive. Petitioner has no criminal antecedent. It is submitted that the alleged occurrence took place in 2014. After investigation, police filed final form against the petitioner on 31.03.2017 but differing with the final form, took cognizance and summon was issued against the petitioner on 16.12.2020. Thereafter, petitioner has filed anticipatory bail petition which was dismissed by learned court below on the ground that there is allegation levelled under the POCSO Act against the petitioner. Victim girl was recovered with the co-accused Chanki Paswan. In that case, police has submitted charge sheet u/s 366 and 376 of the IPC but no section under the POCSO Act was added. Medical report also shows that age of victim is 17-18 years.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with POCSO Case No.15 of 2021, arising out of Nokha P.S. Case No.09 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

