

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17506 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- JHAJHA District- Jamui

SHIVNANDAN PASWAN S/o Ganga Paswan Resident of Village - Kavar,
P.S. - Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

By order dated 16.05.2022, the case diary was called for but the same till date has not been received. The court still feels persuaded to pass orders on merit in the present case.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366A and 34 of the Indian Penal Code read with Sections 8/6 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 08.01.2021 his minor daughter had gone to field to see the paddy crops and when she did not return till 12:00 pm, the informant along with his family members tried to locate



her upon which he came to know that Rakesh Paswan who used to come to the house of his sister at village Kavar enticed her and has taken her away and the mobile number was also disclosed in the F.I.R. It is next alleged that the informant suspects that the victim may be killed.

Learned counsel for the petitioner submits that the petitioner came to be implicated on account of land dispute as informant had encroached the *rayati* land of the petitioner and in this regard the villagers have already given complaint against him to the authority and with a view to take revenge, the informant has falsely implicated the petitioner in the present case taking advantage of his daughter.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it absolutely does not stand to reason that it has been stated specifically at paragraph '5' of the anticipatory bail application that the land dispute was between the informant and the petitioner but the petitioner did not file any complaint rather villagers have filed complaint to the authority with respect to their dispute which appears improbable. It is next submitted that the impugned order clearly records that the victim in her statement has clearly stated that she was raped by the petitioner and the said fact also gets



corroborated by the medical report, it is next submitted that the petitioner has not rebutted the said part of the order as contained in the impugned order which clearly shows that the victim in her statement has clearly stated against the petitioner.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend privilege of anticipatory bail to the petitioner.

His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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