

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36197 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- NAGAR District- Vaishali

OM PRAKASH PASWAN Son of Late Sakal Paswan Resident of Village -
Hela Bajar, P.S.- Town (Hajipur), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No. 09 of 2021 registered for the offence under
Sections 354, 354(A) and 34 of the Indian Penal Code and read
with Sections 8 & 12 of the POCSO Act.

The prosecution case, in short, is that the petitioner
along with one co-accused Bigan Kumar caught hold of the
victim by her hand and planted a kiss upon her lips and gave a
teeth bite upon her lips.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. It is further submitted that the
petitioner and informant are Gotia. It is further submitted that



there is no independent witness of the alleged occurrence.

Learned APP for the State opposes the prayer for bail of the petitioner and submits that the victim in her statement under Section 164 Cr.P.C. has corroborated the allegation, as alleged in the First Information Report and, in fact, the victim is only 13 years old.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected.

However, the trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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