

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28038 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- SURYAPURA District- Rohtas

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RADHESHYAM PASWAN@ RADHESHYAM RAM Son of Late Kalaktar
paswan Resident of Village - Bharkuria Khurd, P.s.- Suryapura, Distt.-
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Suryapura P.S. Case No. 29 of 2022 for the offences under
Sections 341, 323, 342 and 354(B) of the Indian Penal Code
and Section 8/12 of the POCSO Act.

As per the prosecution story, the victim girl has
alleged that when she went to the Public Distribution Shop of
the petitioner herein for purchasing food-grains, he tried to
outrage her modesty. She tried to run away from the place but
she collided with the iron door and injured her chin.



Learned counsel for the petitioner submits that the girl is like his daughter. In fact, he has children of that age and as such, he cannot even think of doing this type of activity being 50 years of age. He further submits that in any case, he has suffered by being in custody since 11.03.2022 (as stated in paragraph-13 of the bail application) and he is ready to abide by all the terms and conditions imposed by this Court if he is enlarged on bail.

Considering the fact that the petitioner is in custody since 11.03.2022, charge sheet stands submitted and has clean antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ADJ-VII-cum-Exclusive Special Court, POCSO Act, Rohtas at Sasaram in connection with Suryapur P.S. Case No. 29 of 2022, subject to the following conditions:-

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every day for two months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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