

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38979 of 2022

Arising Out of PS. Case No.-132 Year-2020 Thana- KATIHAR NAGAR District- Katihar

RAJU PASWAN S/o - Biranchi Paswan R/o- Anathalay Road, Premnagar,
P.s.- Katihar nagar, Distt.- Katihar.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-09-2022 No one appears on call on behalf of learned counsel
for the petitioner. The learned APP for the State is present
through virtual mode.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Katihar Nagar P.S. Case No.132 of 2020 instituted under
Section 376 of the Indian Penal Code and 4 of the POCSO Act.

The prosecution story, in short, is that on 14.02.2020,
the informant and her husband was at her vegetable shop. One
Sonu Sah informed that Raju Paswan has committed wrong with
her daughter, then the couple came at house where she saw her
daughter who informed that Raju Paswan has committed wrong
with her. The informant went to the house of Raju Paswan
where the wife and daughter started to abuse her while Raju



Paswan fled away. Accordingly, the FIR was lodged.

As per the averment made in the bail application, there are lots of contradictions between the FIR and the statement made by the victim girl under Section 164 of the Cr.P.C. Further, as per the medical report, no injury has been found have been found either on the body or on private part and no sign of sexual intercourse has been found.

Taking into account the aforesaid averments made in the bail application coupled with the fact that is in custody since 15.02.2020, do not have criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Katihar Nagar P.S. Case No.132 of 2020 to the satisfaction of learned Special Judge-cum-Additional Sessions Judge, VI, Katihar, subject to 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

