

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49433 of 2021**

Arising Out of PS. Case No.-165 Year-2021 Thana- MADANPUR District- Aurangabad

UPENDRA PASWAN @ KAILA S/o Rambrij Paswan @ Ramvriksh Paswan
R/o village- War, Khas, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 07-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Madanpur P.S. Case No. 165 of 2021, instituted for the offences under Sections 341, 323, 354(A), 448, 506/34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 09.07.2021, charge-sheet has been submitted and allegation is of entering the room of the informant with an intention to commit rape at 12:00 in the night by putting her under fear by placing pistol on her ears, it is next alleged that on hearing the scream of the informant and family members and villagers came and the petitioner was caught.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated, it is further submitted that the informant though has supported the prosecution case in her statement under Section 164 of the Cr.P.C. but refused her medical examination, as recorded in the medical report and the age assessed by the doctor in between 18-19 years. The learned counsel further submits that apart from the fact that the informant in the F.I.R. has alleged that she is 15 years of age but during the course of investigation, no documentary evidence was placed on record to substantiate the same. The learned counsel further submits that petitioner and the informant were knowing each other and the petitioner had gone to meet her when her family members woke up and then the petitioner came to be implicated in the present case with an allegation that he was attempting rape.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioner is in custody since 09.07.2021, charge-sheet has been submitted and the informant refused her medical examination and has been assessed in between 18-19 years and there is nothing on record to substantiate the contention of the informant that she is minor, the petitioner, above-named, is directed to be released on bail on



his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge VI-cum-Special Exclusive Judge (POCSO), Aurangabad, in connection with Madanpur P.S. Case No. 165 of 2021, with a condition that one of the bailor shall be the father (Ram Brij Paswan @ Ram Briksh Paswan) of the petitioner

The application stands allowed.

(Satyavrat Verma, J)

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