

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48998 of 2021**

Arising Out of PS. Case No.-11 Year-2021 Thana- KARAKAT District- Rohtas

SHIV PASWAN @ SHIV RAM S/o Late Mutur Paswan Resident of Village-
Gorari, P.S.- Karakat, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, A.P.P.

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

4 24-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366(A), 504, 506 of the
Indian Penal Code read with Sections 4 and 8 of the Protection
of Children from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.02.2021, is a person with clean
antecedent, charge-sheet has been submitted and charges have
also been framed.

The informant alleges that petitioner had altercation
with the informant and the petitioner had even assaulted the
informant and his wife on 21.01.2021 and on 22.01.2021 when



the minor daughter of the informant, aged about 14 years, did not return, after attending the call of nature, search was made but the victim was not found. The informant further alleges that petitioner might have kidnapped the daughter of the informant as the petitioner had threatened that he will kidnap his daughter.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The victim has been recovered and, in her statement, under Section 161 Cr.P.C., as recorded in the case diary, she has not supported the prosecution case but, in her statement, under Section 164 Cr.P.C., the victim has taken U-turn and has supported the prosecution. Learned counsel further submits that the medical report does not find any recent sexual assault.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that it is not in dispute that the victim is a minor, aged about 14 years, and even she has eloped with the petitioner then also offence is made out as consent of the minor does not have any sanctity in the eyes of law.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present bail application.

Permission is accorded with liberty to the petitioner to



renew his prayer for bail after the evidence of the informant is recorded.

Accordingly, this application is dismissed as withdrawn in connection with POCSO Case No. 18 of 2021 arising out of Karakat P.S. Case No. 11 of 2021 pending in the Court of learned Additional Sessions Judge-VII-cum-Exclusive Spl. Court (POCSO), Rohtas at Sasaram.

(Satyavrat Verma, J)

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