

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40155 of 2022

Arising Out of PS. Case No.-226 Year-2022 Thana- BRAHMPUR District- Buxar

Rambabu Paswan @ Rambabu Prasad @ Ram Babu Paswan S/o- Inar Prasad
@ Inar Paswan R/o Village and P.O.- Umedpur, P.s.- Brahampur, District -
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Brahampur P.S. Case No. 226 of 2022 registered for the alleged offences under Sections 341, 323, 354(B), 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the co-accused Ashish Paswan tried to forcibly take away the informant, a minor girl of aged about 16 years, on a motorcycle with the help of his two associates. On alarm being raised, the villagers came and saved the informant. When the informant along with his brothers and sister went to the house of the co-accused Ashish Paswan to



scold him, the petitioner and other co-accused persons assaulted the informant and her family members with lathi and fractured her head.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is clear from the FIR that there is only general and vague allegation of assault against this petitioner along with other co-accused persons. It is also apparent that the informant and others went to the doors of the of the petitioner. The allegation of molestation is not against this petitioner, it is against the son of the petitioner. Even in her statement recorded under Section 164 Cr.P.C. the informant has not stated anything specific against this petitioner. The injuries on the victim girl have been found to be simple in nature. The petitioner is in custody since 21.06.2022 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of any overt act against the petitioner coupled with his clean antecedent and the submission of charge-sheet and period of custody of the



petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Buxar in connection with Brahampur P.S. Case No. 226 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

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(Arun Kumar Jha, J)

