

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43905 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- GAURICHAK District- Patna

1. Pintu Paswan Son of Shyam Sundar Paswan R/O Village- Jamalpur, P.S.- Gaurichak, District- Patna
2. Rabindra Paswan Son of Shyam Sundar Paswan R/O Village- Jamalpur, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Gaurichak P.S. Case No. 34 of 2021 registered for the offence under Sections 341, 323, 354, 308, 379, 448 and 34 of the Indian Penal Code and u/s 7 and 8 of the POCSO Act. After completion of investigation, the Police have charge-sheet bearing Charge-sheet No. 308/2022 dated 30.04.2022 against the petitioners has been submitted U/s 341, 323, 354, 308, 448



and 34 of the I.P.C and the petitioners have exonerated from the allegations under provisions of POCSO Act.

The accused/petitioners are named in the F.I.R. and both are in custody since 20.04.2022.

The allegation against the petitioners is to outrage the modesty of the minor daughter of the informant including informant and also assaulted with fight and fist to the informant, causing such bodily injuries for which she was hospitalized for long seven (7) days remaining unconscious.

Learned counsel appearing on behalf of the petitioner submitted that both families were known to each other and due to certain development of differential issues as regard to marriage of the daughter of the informant, both petitioners who are own brother have falsely been implicated in the present case. It is further submitted that allegation of kidnapping is false on its face and as from bare perusal of the FIR, it suggest only of attempt as regard to kidnapping. It is also submitted that the FIR was lodged after the delay of forty (40) days without any just explanation. While concluding the argument, it is submitted that both the petitioners are men of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as the FIR was lodged with the delay of forty (40) days without any just explanation, where charge-sheet has not been submitted under the POCSO Act, let both the petitioners, above named, are directed to be released on bail in connection with Gaurichak P.S. Case No. 34 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna/concerned court, subject to the following conditions:

“(i) Accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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