

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56420 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

BHOLA KUMAR @ BHOLA PASWAN Son of Dilip Paswan Resident of
Village - Durga Sthan, Vijaynagar, P.S.- Muffasil, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2022 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 regular bail in connection with
Mufassil P.S. Case No. 219 of 2020 instituted for the offences
under Sections 341, 323, 279, 338, 307, 504/34, 354(D), 506 of
the Indian Penal Code read with Section 8 of the Protection of
Children from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.10.2021, charge-sheet has been
submitted and has antecedent of two cases.

The informant, a minor, alleges that on 05.09.2020
while she along with her cousin were coming home, they were
intercepted by petitioner and Durga Chouhan, who were at a



motorcycle in an inebriated condition and they said why you both sisters did not listen to us. Further the petitioner, who was driving the motorcycle, on asking of Durga Chouhan dashed the informant who fell and thereafter ran the motorcycle over her body and thereafter the accused with the help of Sonu Kumar fled away. Further on account of running the motorcycle over the body of the informant she suffered fracture over her shoulder and leg and also received bodily injury.

Learned counsel for the petitioner submits that a road accident has been given a colour of a criminal case by alleging that the petitioner on asking of Durga Chouhan dashed the informant. Learned counsel further submits that the occurrence is dated 05.09.2020 and the fardbeyan of the informant was recorded on 23.09.2020 and the FIR came to be instituted on 04.10.2020. It is thus submitted that if what is alleged in the FIR is true then definitely an FIR ought to have been instituted instantly either by the informant or her family members. Learned counsel relies on Annexure-2 to the bail application, which is the injury report of the informant, to submit that the Doctor has clearly recorded that it is a case of RTA (Road Traffic Accident) as stated by accompanying attendant who brought the victim in an unconscious state. Thus, it is submitted



that even the attendant, who had accompanied the informant to the hospital, also disclosed before the Doctor that it was a case of road traffic accident. Learned counsel further submits that co-accused Durga Chouhan has been granted bail by order dated 01.11.2021 in Cr. Misc. No. 13253 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted, co-accused has been granted bail and there is an inordinate delay in instituting the FIR, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, Katihar in connection with Mufassil P.S. Case No. 219 of 2020, with condition that one of the bailors shall be the father of the petitioner, namely, Dilip Paswan.

(Satyavrat Verma, J)

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