

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70844 of 2021**

Arising Out of PS. Case No.-404 Year-2021 Thana- AKBARPUR District- Nawada

Gorelal Paswan @ Gore Paswan, Son of Kallu Paswan, Resident of Village -
Asha Bigha, P.S.- Akbarpur, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 07-07-2022 This application has been listed under the heading
‘For Orders’.

Registry has pointed out several defects in the
present application.

Mr. Pramod Kumar Verma, learned counsel for the
petitioner submitted that the defects are mainly because only e-
filing of applications are permitted by the Court. He submitted
that defects can be removed only if filing of hard copy is
permitted. He undertook that even if the applications are heard
and disposed of on merit in due course of time when the Court
would permit filing of hard copy, the defects pointed out by the
registry would be removed.

In view of the above submissions made by the
learned counsel for the petitioner, with consent of the parties,
the application has been taken up for hearing on merit.



The petitioner seeks pre-arrest bail in connection with Akbarpur P.S. Case No.404 of 2021 registered for the offences punishable under Sections 341, 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

Learned counsel for the petitioner submitted that there is no truth behind the allegations made in the first information report. The alleged incident is said to have taken place on 17.06.2021 but the first information report was registered after four days on 21.06.2021 and no explanation has been given for the unreasonable delay caused in filing of the first information report. He further contended that even if the entire allegations are believed to be true, the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act would not be attracted, as there is no allegation that the petitioner touched the vagina, anus or breast of the child, which is a statutory requirement for constituting an offence under Section 8 of the POCSO Act.

Learned counsel for the State opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the delay of four days caused in filing the first information report and the plea taken by the petitioner



in respect of the offence punishable under Section 8 of the POCSO Act, the petitioner, who is said to be a man of clean antecedent, is directed to be released on bail in the event of his arrest or surrender in the court below on furnishing bail bond of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Nawada in connection with Akbarpur P.S. Case No.404 of 2021, POCSO No.42 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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