

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71533 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- BANMANKHI District- Purnia

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Ram Sagar Paswan Son Of Late Haleshwar Paswan Resident Of Village-
Mirjacaunki Ward No 6 Police Station - Banmankhi District -PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Spl Case no. 83 of 2021 (arising out Banmankhi P.S. Case no.
145 of 2021) lodged under Sections 376, 302, 34 of the I.P.C.
read with Section 4 POCSO Act.

As per the prosecution case, the allegation has been
made by informant against her father-in-law and mother-in-law
to kill grand daughter in connivance with each other.

Learned counsel for the petitioner submits that the age
of the petitioner is 65 years. The case has been lodged with
allegation of murder by the grand parents of their grand

daughter. In the entire case diary, all witnesses raised suspicion against the petitioner to murder his grand daughter. Though there is no eye witness in this case. But a surprising medical report/ post-mortem report has come that it is not a murder rather it is rape with murder. Learned counsel for the petitioner submits that the story of rape with murder on suspicion by the grand parents against their grand daughter may not be accepted particularly when the age of the grand parents of grand daughter is about 65 years.

Learned counsel for the petitioner submits that antecedent of the petitioner is clean. He is in custody since 22.07.2021, charge sheet has already been filed in this case. Charge has also been framed.

Learned counsel for the State opposes the prayer for bail and submits that it is a unique case. Charge has already been framed and party is ready to face the trial.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned VIth Additional Session Judge-cum-special, Judge, POCSO, Purnea in connection with Spl.

Case No. 83 of 2021(arising out of Banmankhi P.S. case no. 145/2021), subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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