

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5751 of 2023

Arising Out of PS. Case No.-636 Year-2022 Thana- BRAHMPUR District- Buxar

CHANDRIKA PASWAN @ CHANDRIKA RAM Son of Late Mehi Paswan
Resident of Village - Raghunathpur, P.S.- Brahmpur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Brahmpur
P.S. Case No. 636 of 2022 registered for the offence under
Sections 448 and 354(B) of the Indian Penal Code and Section 8
of the POCSO Act.

The daughter of the informant is subjected to
outraging of her modesty by the petitioner while she was
sleeping in her home.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation, as alleged in the
F.I.R., is false and fabricated and the petitioner has not committed
any offence. He further submits that the victim in her statement



recorded under Section 164 Cr.P.C. has stated that the petitioner has tried to commit rape upon her while she was sleeping at her roof. He further submits that it is apparent from the statement of the victim itself that the petitioner has not committed rape upon her. She herself stated that the petitioner is an old person. He further submits that there is land dispute between the parties and on account thereof the petitioner is falsely been implicated in this case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI -cum-Special Judge, POCSO Act, Buxar in connection with Brahmpur P.S. Case No. 636 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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