

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9567 of 2022

Arising Out of PS. Case No.-4 Year-2021 Thana- MAHILA P.S. District- Patna

Raghunandan Paswan, aged about 54 years, Son of Late Nathun Paswan
Resident of Village- Chhitnawa, P.S.- Maner, District- Patna, At Present
Resident of Karbigahiya, Railway Station Road, Ticket Counter, Railway
Station, Patna, P.S. Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Sinha, Adv.

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 10-01-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor (*for short 'APP'*) for the State.

The petitioner seeks bail in connection with Special (POCSO)
Case No. 10 of 2021, arising out of Mahila PS Case No. 04 of 2021,
registered for the offence punishable under Section 376 (AB) of the
Indian Penal Code and Section 6/8 of the Protection of Children from
Sexual Offences Act, 2012 (*for brevity 'POCSO Act'*).

Earlier, this Court had called for the legible copy of the case
diary along with medical report as well as statement of the victim
recorded under Section 164 Code of Criminal Procedure (*for brevity*
'Cr. P.C.'), which have been received.

The allegation in the First Information Report (*for brevity*
'FIR') is that the informant's daughter has been missing since six in
the evening and sometime later, she has been recovered and found
bleeding from her private parts. She has stated the name of the



petitioner that he usually comes to their shop and he has allured her and whereafter he has committed sexual assault on the daughter (four (04) years.

Learned counsel for the petitioner submits that that the FIR has been lodged on the next day. The petitioner has been arrested from the place where he usually stays and he had not fled away which is an indication of the *bona fide* of the petitioner and his false implication. The petitioner is in custody since 09-01-2021, though he has no criminal antecedents.

Learned APP for the State has assisted the Court with reference to the case diary. It is submitted that victim has specifically named the petitioner. The Medical examination of the victim shows parineal tear and laceration present around her private parts.

Considering the rival submission and materials collected during the course of the investigation this Court, for limited consideration of the plea for bail, is inclined to accept the submissions advanced by learned APP. This Court is not inclined to allow the prayer for bail.

Prayer is rejected.

The trial Court should proceed to conclude the trial expeditiously.

(Madhuresh Prasad, J)

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