

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13118 of 2023

Arising Out of PS. Case No.-108 Year-2021 Thana- MAHILA PS District- Darbhanga

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MUKESH PASWAN Son of Dinesh Paswan Resident of Mohalla - Saidnagar
(Kali Sthan), P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari D/o Nandlal Paswan R/o Mohalla- Saidnagar Kalisthan,
P.S.- Lahariasarai, Distt- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Mahila P.S.
Case No. 108 of 2021 registered for the offence under Sections
354D, 354, 323, 504/34 of the Indian Penal Code and Section 8 of
the POCSO Act.

The informant is subjected to molestation at the
instance of the petitioner and when her parents raised protest,
they along with her mother were abused and assaulted and her
mother was tried to molestation by the F.I.R. named accused
persons.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, 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. He further submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has caught hold her hand and abused her. Save and except the statement of the victim, no specific overt act amounting to molestation is attributed against the petitioner. 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 25.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Special Judge (POCSO Act), Darbhanga in connection with Mahila P.S. Case No. 108 of 2021 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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