

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.18521 of 2023**

Arising Out of PS. Case No.-10 Year-2022 Thana- LADANIA District- Madhubani

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Raman Kumar Paswan @ Raman Paswan, S/o Ramnarayan Paswan @ Ram Narayan Paswan, Resident of Village- Pathrahi Ps- Ladaniya Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL ORDER**

2      16-05-2023                      Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ladaniya P.S. Case No. 10 of 2022 registered on 10.01.2022 for the alleged offences under Sections 147, 323, 354, 504 of the Indian Penal Code and Sections 7/8 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, while the daughter of the informant went to ease herself, the petitioner gagged her mouth and tried to commit wrongful act with her. On alarm being raised by the victim, the petitioner fled away from the



spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and has been falsely implicated in this case. The informant has been doing the trade of illicit liquor and Ladaniya P.S. Case No. 129 of 2018 has been lodged against the informant under Excise Act. As the parents of the petitioner have been opposing the illegal trade of the liquor of the informant, the present false case has been lodged against the petitioner and his family members. The petitioner has brought on record copy of the panchayati held on 17.11.2021, wherein the panchayat taken a decision with regard to activities of the informant namely, Mahendra Paswan. Learned counsel further submits that the informant initially lodged a complaint petition before the Special Court of POCSO Act which was sent for registration of the FIR which is against the established provisions of law and it has been registered without following the procedure laid down by the Hon'ble Apex Court for such matter. The initiation of the prosecution by the informant against the petitioner is bad in law. The petitioner is in custody since 27.05.2022 and charge sheet has been submitted. The petitioner has got no criminal history.



5. Learned APP opposes the prayer for bail submitting that the petitioner attempted to commit wrong act with the daughter of the informant.

6. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the dispute between the parties and possibility of false implication and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI -cum- Special Judge, POCSO Act, Madhubani/concerned court in connection with Ladaniya P.S. Case No. 10 of 2022, corresponding to G.R. No. 46 of 2022/T.R. No. 155 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive



dates or in violation of the terms of the bail,  
the bail bonds of the petitioner will be liable  
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

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