

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22392 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- JANDAHA District- Vaishali

CHHOTU PASWAN Son of Shri Narayan Paswan R/V- Rampur Ramhar, PS-
Jandaha Dist- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Darshan Paswan Son of Dineshwar Paswan R/V- Dhandhua, PS- Jandaha
Dist- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan
		Mr. Gaurav Govinda, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 14.09.2022, in connection with Jandaha P.S. Case No. 277 of 2022, F.I.R. dated 10.09.2022 registered for the offences punishable under Sections 376(D), 506, 34 of the Indian Penal Code, Sections 4, 8 and 12 of the Prevention of Children from Sexual Offences Act, 2012 and Section 67 of Information Technology Act, 2000.

As per prosecution case, in brief, is that while the daughter of the informant was going to school, co-accused Amod Ram abducted her and committed gang rape with her in



collusion with co-accused persons.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present 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 as alleged in the F.I.R. and the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has not stated anything about the petitioner but she has stated about co-accused Amod Rai only and during investigation no other material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated co-accused person namely Dhiraj Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 20.04.2023 passed in Cr. Misc. No. 72087 of 2022, another co-accused person namely Abhinandan Klumar @ Ghanti has been granted bail by a Coordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 7664 of 2023, another co-accused person namely Aman Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 32744 of 2023 respectively. He further submits that the police after investigation submitted



chargesheet against the petitioner and the petitioner is in custody since 14.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court POCSO-cum- A.D.J. VI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 277 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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