

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33875 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- MAHILA P.S District- Supaul

1. RAJDEO PASWAN Son of Kishun Paswan Resident of village - Shripur, Ward No.- 5, P.S.- Pratapganj, District - Supaul.
2. Jay Prakash Paswan Son of Rajdeo Paswan Resident of village - Shripur, Ward No.- 5, P.S.- Pratapganj, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioners are in custody in connection with Supaul Mahila P.S. Case No. 03 of 2023 for the offence under Sections 341, 323, 354, 379, 506 and 504/34 of the Indian Penal Code and Section 8 of POCSO Act lodged on 08.01.2023 by the informant, Hiddar.

The prosecution case, in brief, is that on 19-11-2022 at about 05:00 PM, victim was brooming in front of her house. Meanwhile, Raushan Kumar Paswan grabbed her from back side and started driving her towards his house. Informant shouted for help and her parents reached there and attempted to rescue the victim. Thereafter, on the call of Raushan Kumar



Paswan, rest of the accused persons namely Ramdo Paswan, Rajdev Paswan, Rupesh Paswan, Suraj Paman Say, Prakash Paswan, Ramchandra Paswan, Lalit Paswan and Sanjay Paswan reached there. It has been alleged that Raushan Paswan threatened victim and disrobed and molested her. When victim's parents intervened, all of the aforesaid accused persons used filthy language against them and assaulted them with fists and kicks. The accused persons threatened informant/victim of dire consequences, in case of non filing of compromise in Pratapganj P.S Case no. 93/2022. "

Learned counsel for the petitioners submit that the main allegation is against Raushan Paswan of outraging the modesty of the girl and further allegation on the other accused including this petitioner is helping the said Raushan Paswan. It has lastly been submitted that the petitioner do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Considering the fact that the main allegation is against Raushan Paswan, so far as the other accused persons who are extended family members of the said Raushan Paswan is concerned, there is allegation of helping him in the alleged act, do not have criminal antecedent, are in jail since



27.03.2023, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Special Judge (POCSO), Supaul, in connection with Supaul Mahila P.S. Case No. 03 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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