

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32810 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- MAHILA P.S. District- Araria

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RAKESH KUMAR PASWAN S/o Chandranand Paswan R/o village-
Madhbuani, Ward No. 11, P.S.- Kursakanta, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava
For the Informant : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Spl.
Case No. 11 of 2022 arising out of Mahilla (Araria) P.S.
Case No. 139 of 2021, registered for the offences
punishable under Sections 376, 504 and 34 of the Indian
Penal Code and Section 4 of the POCSO Act.

The prosecution case as emerging from the FIR is



that the petitioner had established physical relationship with the informant on the pretext of marrying her. Later on, she became pregnant and when the parents of the victim girl went to the house of the petitioner for marriage, they abused them.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that no offence has been committed by the accused against the victim and there was no relationship established at any point of time. He also claims that the alleged victim has physical relationship with someone else and she had given birth to a baby child and the petitioner is ready for DNA test to prove that the child is not of the petitioner. He further submits that in fact this false case is intended to pressurize the petitioner to marry her. He also submits that investigation in this case is complete and charge-sheet has already been submitted only under Section 376 and not under the POCSO Act, as she has been found to be adult.

He further submits that the petitioner has been



languishing in jail since 04.03.2022.

It has also been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge (POCSO), Araria in connection with Spl. Case No. 11 of 2022 arising out of Mahilla (Araria) P.S. Case No. 139 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence



or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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