

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39907 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- BARH District- Patna

1. Sachin Kumar son of Ajay Paswan aged about 21 years (Male).
 2. Sujay Paswan son of Kishun Paswan aged about 40 years (Male)
 3. Kundan Kumar son of Gariban Paswan aged about 22 years (Male)
 4. Ashok Kumar @ Ashok Paswan son of Tirpit Paswan aged about 39 years (Male).
 5. Amirak Paswan son of Kankar Paswan aged about 65 years (Male).
 6. Dhuri Paswan son of Chalitar Paswan aged about 68 years (Male)
 7. Tirpit Paswan son of Jutoshwar Paswan aged about 53 years (Male).
 8. Birender Paswan son of Mithlesh Paswan aged about 24 years (Male).
 9. Saurabh @ Sanni Kumar son of Sobhi Das aged about 19 years (Male).
 10. Basant Kumar son of Mithlesh Paswan aged about 24 years (Male).
 11. Ganesh Paswan son of Sobhi Das aged about 60 years (Male).
- All the residents of Village- Mankaura P.S. Barh District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Sanjay Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Arun Kumar

Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Special Case No. 17(A)/2022 arising out of Barh P.S. Case
No. 100 of 2022 dated 23.02.2022 registered for the offence
punishable under Sections 341, 323, 354 (B), 279, 504, 506, 34
of the Indian Penal Code, Section 27 of the Arms Act and



Section 8 of the Prevention of Child From Sexual Offences Act (POCSO) Act.

3. As per the allegation made in the FIR, two groups were involved in spat in which the minor girl was made to suffer because of wrong act committed by accused persons namely, Murari Kumar, Manish Kumar and Vikash Kumar.

4. Learned counsel appearing on behalf of the petitioners submitted that the main accused has been acquitted by the learned trial Court as he was juvenile. Petitioners are co-villagers and there is general and omnibus allegation against them. FIR is against 16 accused persons. No specific allegation has been made against the petitioners. Petitioners are not involved in any manner in commission of offence. There is no allegation against the petitioners that they have committed wrong with the minor girl. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, there is general and omnibus allegation made against the petitioners. There is no allegation against the petitioners that they have committed wrong with the minor girl. Main accused



has already been acquitted by the learned trial Court as he was juvenile. Petitioners have no criminal antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. Vith cum. Spl. Judge POCSO, Patna in connection with Special Case No. 17(A) of 2022 arising out of Barh P.S. Case No. 100 of 2022 dated 23.02.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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