

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42255 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- NARPATGANJ District- Araria

Lalit Paswan @ Lalit Kumar Son of Parmanand Paswan Resident of Village - Ghurna, Ward no.10, P.s.- Ghurna, Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kumari daughter of Suresh Mukhiya, R/O Ghurna, Ward No. 8, P.S. Ghurna O.P. Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the Informant	:	Mr. Rama Nand Poddar, Advocate
For the Opposite Party/s	:	Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-04-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Informant and learned APP for the State.

Petitioner seeks bail, who is in custody since 09.04.2022, in connection with Narpatganj (Ghurna) P.S. Case No. 148 of 2022, corresponding to Spl. (POCSO) Case No. 16 of 2022, F.I.R. dated 08.04.2022 registered for the offences punishable under Sections 376, 511/34 of the Indian Penal Code, Section 3/4 of POCSO Act.

The prosecution case, in brief, is that on 07.04.2022 at about 04:00 P.M. the informant along with her two friends had gone to maize field on cutting grass and suddenly petitioner came from behind and caught and laid her down and tried to rape her. She raised alarm then petitioner started pressing her neck and when nearby people came, the petitioner fled away.



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 due to land dispute the present false and fabricated case has been instituted against the petitioner. He further submits that it appears from the F.I.R. that the petitioner had tried to commit rape upon the victim. He further submits that in fact the entire allegation is concocted and no such occurrence had taken place. In fact the father of the victim tried to grab the land in question by hook and crook and hence they have filed the false and fabricated case against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.04.2022.

The learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant have vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, 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 Additional Sessions Judge IV cum Incharge Court of Additional Sessions Judge-VI (Spl. POCSO), Araria, in connection with Narpatganj (Ghurna) P.S. Case No. 148 of 2022 corresponding to Spl (POCSO) Case No. 16 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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