

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44756 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- NAUTAN District- West Champaran

RANJEET PASWAN Son of Sri Binod Paswan Resident of village- Rekha
Sundarpatti, P.S- Nautan, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gudia Kumari, D/o Sri Dinesh Paswan, Resident of village- Rekha
Sundarpatti, P.S. Nautan, District West Champarana

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Smurari Sharan Tiwari, Advocate
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 10-04-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with Nautan
P.S. Case No. 162 of 2021 dated 30.04.2021 registered for the
offences punishable under Sections 341, 323, 354(B) of the Indian
Penal Code and Section 8 of POCSO Act.

As per the prosecution, the informant (victim) alleged
that this petitioner tied a *duppatta* around her neck, pushed her to
the ground and pressed her mouth. Further it is alleged that earlier
also this petitioner molested her on the streets.

The main submissions advanced by the learned counsel



for the petitioner are that though the informant made specific allegation against the petitioner in respect of the commission of the alleged occurrence but the alleged offences punishable under section 354 (B) of the Indian Penal Code and section 8 of POCSO Act are not made out in this case and the petitioner has fair and clean antecedent and has been languishing in jail for the last one year.

Learned counsel for the informant has vehemently opposed the bail prayer and submitted that in the house of the victim there are only victim, her mother and her brother and victim's father works outside and from the allegations made by the victim in her statement the offences punishable under Sections 8 of POCSO Act and 354(B) of IPC are clearly made out against the petitioner and the petitioner's conduct with the victim did not remain good earlier also.

Learned APP has also opposed the bail prayer.

Considering the seriousness of allegation appearing against the petitioner from the FIR and victim's statement recorded by her before the Judicial Magistrate, this court is not inclined to accept his bail prayer for the present. Accordingly, his bail prayer stands rejected.

Petitioner may renew his bail prayer after examination



of the victim in his trial but if in the next six months the victim is not produced in the trial of the petitioner as a witness then the petitioner will also have a liberty to renew his bail prayer.

(Shailendra Singh, J)

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