

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48633 of 2023

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

Raushan Kumar Paswan @ Roshan Kumar @ Roshan Kumar Paswan, Son Of
Binod Paswan, R/O-Sripur Ward No. 05, 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 Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 04-08-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with POCSO Case No. 05 of 2023 arising out of Supaul Mahila P.S. Case No. 03 of 2023 dated 08.01.2023 registered for the offence(s) punishable under Section(s) 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and Section 8 of POCSO Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the FIR itself goes to show that the prosecution's story mentioned in the FIR is totally unbelievable and the same is concocted one, the informant disclosed her age as 16 years in the FIR but as per the medical report, her age is between 19-21 years. Further submissions are



that as per the FIR, the alleged occurrence took place on 19.11.2022 but the FIR was lodged on 08.01.2023, regarding the said long delay in lodging the FIR no proper explanation has been given though there is details of a *Panchayat* meeting which was attempted to hold in between both the parties regarding the alleged incident on 22.11.2022 but the same did not take place as petitioner's sides, no one attended the said *Panchayati* but thereafter the prosecution party remained silent for a long period and did not take any step to lodge the FIR and the said fact in itself shows a malice intention on the part of informant. Further submissions are that earlier the informant's father lodged Pratapganj P.S. Case No. 93 of 2022 in which petitioner's family was implicated and petitioner's father remained in judicial custody in the said case. Further submissions are that in the present matter the petitioner has been languishing in jail since 16.03.2023 and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the facts and circumstances of this case and above submissions and mainly the long delay on the part of the prosecution party in lodging the FIR and also taking



into account the custody period of the petitioner as well as completion of investigation against him, this court is inclined to accept his bail prayer. Accordingly, let the petitioner named-above be enlarged on bail in connection with POCSO Case No. 05 of 2023 arising out of Supaul Mahila P.S. Case No. 03 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-

- (i) Petitioner(s) shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.
- (ii) If the petitioner(s) tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.
- (iii) One of the bailors shall be a close relative of the petitioner(s) who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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