

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50071 of 2023

Arising Out of PS. Case No.-110 Year-2022 Thana- BIND District- Nalanda

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GAUTAM PASWAN SON OF PACHKAURI PASWAN R/O VILLAGE
-SURATPUR, PS- BIND, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddharth Harsh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code and Section 6 of the Prevention of Children from Sexual Offence Act (POCSO).

3. As per prosecution case, the petitioner is alleged to have established psychical relationship with the informant/victim on the pretext of marriage, as a result of which, the victim got pregnant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. It is further submitted vide para 6 & 7 of the petition that during



course of trial, the victim as well as her mother have not supported the prosecution and turned hostile. The victim has also solemnized her marriage during pendency of the trial. According to Annexure-P/2, the fetus of the victim was sent for the DNA test to the FSL but the DNA of the petitioner did not match with that of the fetus of the victim. The petitioner has got no criminal antecedent and is languishing in judicial custody since 23.7.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bind P.S. Case No. 110 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Dist & Sessions Judge-VI-Cum-Special Judge, POCSO, Biharsharif, Nalanda.

(Sunil Kumar Panwar, J)

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