

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55834 of 2023

Arising Out of PS. Case No.-333 Year-2023 Thana- SIKARPUR District- West Champaran

Dhananjay Paswan Son of Lal Babu Paswan R/o vill - Barwa Barauli, Ward
No. 8, P.S. - Sikarpur, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Sikarpur P.S. Case No. 333 of 2023 for the offences punishable under Sections 363/366A/341/323/504/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act lodged on 30.04.2023 by the informant, Usha Devi.

3. As per the prosecution story, the allegation is that the accused took the minor daughter of the informant and put vermilion on her head. Accordingly, the FIR.

4. It is the case of the petitioner that only due to local politics he has been implicated in this case. It was just a kind of joke which has been exaggerated, there is no allegation of any sexual assault. Petitioner is a young boy and do not have any criminal antecedent. The petitioner is in custody since



01.05.2023 (para-8 of the petition).

5. Learned APP opposes the prayer stating that he took the girl and forcefully put the vermilion on her head.

6. Taking into account the aforesaid submission put forward by the learned counsel for the petitioner and the fact that though the act of the petitioner was unwanted, the young boy of 21 years is in jail since 01.05.2023, putting him with hardened criminals is not justifiable particularly when he do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge POCSO-cum-Additional Sessions Judge-VII, West Champaran, in connection with Sikarpur P.S. Case No. 333 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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