

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70281 of 2022

Arising Out of PS. Case No.-406 Year-2020 Thana- RIGA District- Sitamarhi

Vikas Kumar Son of Sri Birendra Paswan R/O Village- Bhavdepur Got, P.S.-
Riga, District- Sitamarhi

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Paswan, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Riga P.S. Case No.
406 of 2020 registered for the offences punishable under
Sections 341, 323, 376, 504 and 509/34 of the Indian Penal
Code and Sections 4/6 and 8 of POCSO Act.

The allegation against petitioner is to commit
penetrative sexual assault upon the informant, aged about 16
years.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is the student of B. Sc. (Agriculture) and he was implicated in this case falsely, while he visited his village, as his father was in inimical terms with the father of informant. It is submitted that no allegation, as regard to penetrative sexual assault was supported through the statement of victim, as recorded under Section 164 of the Cr.P.C. It is also pointed out that the victim was not made herself available for medical examination and moreover, the present F.I.R. was lodged after five days of the occurrence without having any explained reason. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP, while opposing the prayer of bail submitted that the allegation, as per F.I.R., is specific against this petitioner.

Considering the aforesaid facts and circumstances as victim failed to support the allegation of penetrative sexual assault against this petitioner, through her statement, as recorded under Section 164 of the Cr.P.C., accordingly, the above named petitioner, in the event of his arrest or surrender before the court below, within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Additional Additional Sessions Judge-
VI-cum-Special Judge POCSO Act, Sitamarhi/concerned Court,
where the case is pending in connection with Riga P.S. Case No.
406 of 2020, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

