

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4748 of 2023

Arising Out of PS. Case No.-16 Year-2021 Thana- MAHILA PS District- Gaya

Mahavir Paswan @ Mahabir Paswan Son of Sahendra Paswan R/V- Manarsa,
P.S- Tekari, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 02.05.2022, in connection with POCSO Case No. 103 of 2021 arising out of Mahila P.S. Case No. 16 of 2021, F.I.R. dated 14.05.2021 registered for the offences punishable under Sections 376(D) and 376(AB) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

The prosecution case, in brief, is that on 14.05.2021 the informant's daughter aged about 10 years was in the adjacent room, when the informant woke up and saw her daughter weeping. The informant asked the reason then her daughter told that Mahavir Paswan as well as Mukesh and Dipu caught hold her and dashed her on Chowki and Mahavir Paswan committed rape



upon her.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

Learned APP for the State, on the other hand, on the basis of material available on record, submits that the petitioner is involved in the crime in question and the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has supported the case of the informant and the medical report also supports the allegation as alleged in the F.I.R.

Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with POCSO Case No. 103 of 2021 arising out of Mahila P.S. Case No. 16 of 2021 pending in the Court of Special Judge POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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