

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1093 of 2023

Arising Out of PS. Case No.-217 Year-2022 Thana- WARISNAGAR District- Samastipur

MANOJ PASWAN @ MANOJ KUMAR PASWAN SON OF PREMLAL
PASWAN R/O VILLAGE- KUSHAIYA, P.S.- WARIS NAGAR, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O SANJAY MAHTO R/O VILLAGE- KUSHAIYA, P.S.- WARIS
NAGAR, DISTRICT- SAMASTIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 11-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State alongwith learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504 and 506 of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 07.05.2022 there was a scuffle between Manoj (petitioner) and her father for which a panchayati was held and a fine of Rs. 15,000/- was imposed upon Manoj, further thereafter petitioner alongwith the accused persons came to the house of



the informant and abused the father and the petitioner misbehaved with the informant and forcefully took her to a mango orchard with an ill intention but she was saved by the villagers.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reasons that it was not possible for the petitioner and the accused persons to commit such an occurrence when the entire village was awake, it is next submitted that since the petitioner was having dispute with the father of the informant, as such the present false case came to be instituted with an allegation of an attempt.

It is further submitted that there is blatant misuse of POCSO Act. It is also submitted that even the informant in her statement recorded under Section 164 Cr.P.C. has not supported the case of the prosecution.

Learned A.P.P. for the State alongwith learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but the learned APP for the State very fairly submits after perusing the case diary that the victim has not supported



the case of the prosecution.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Waris Nagar P.S. Case No. 217 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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