

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9565 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- TAJPUR District- Samastipur

Chotu Paswan, S/O Dinesh Paswan, R/O Village- Baghwatipur, P.S- Tajpur,
Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sameer, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Tajpur P.S. Case No. 368 of 2023 registered for the alleged offences under Sections 363, 366(A)/34 of the Indian Penal Code and Sections 8, 12 and 17 of POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing after she went outside to ease herself. Later on, the informant came to know about the petitioner and co-accused persons who took his minor daughter away on a motorcycle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the whole occurrence



and his name has been wrongly dragged in this matter. The FIR has been lodged after a delay of two days for which there is no explanation. When the statement of victim was recorded under Section 161 Cr.P.C., she stated that she herself went away with co-accused Babbi Paswan to the house of her maternal grandmother after some quarrel with her own mother. However, under pressure of her parents, she falsely implicated this petitioner and some other co-accused persons who were later on found not involved. The learned counsel further submits that the petitioner is young boy of 20 years and has got no criminal antecedent. The co-accused Babbi Paswan has been granted regular bail by the learned trial court itself. The learned counsel further submits that there is no allegation of any sexual assault against this petitioner even in the statement of victim recorded under Section 164 Cr.P.C.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner and co-accused have been named in the FIR itself and other witnesses have supported the prosecution case. Though the learned APP concedes that in the statement recorded under Section 161 Cr.P.C., the victim did not name this petitioner. However, he submits, later on, in her statement under Section 164 Cr.P.C.,



the victim girl named this petitioner and other co-accused persons who took her away.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the varying statements of victim girl and further considering the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur, in connection with Tajpur P.S. Case No. 368 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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