

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12380 of 2024

Arising Out of PS. Case No.-610 Year-2023 Thana- BARHARA District- Bhojpur

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1. NIKHIL KUMAR PASWAN @ NIKHIL PASWAN S/ NAVMI PASWAN @ NAMI PASWAN R/O WARD NO.9, TOLA ACHARAJ LAL, PIPARPANTI, P.S.- BARHARA KRISHANGARH O.P., DISTRICT- BHOJPUR
 2. RAJA KUMAR RAM @ RAJ KUMAR RAM S/O JANARDAN RAM R/O TOLA ACHARAJ LAL, KEOTIA, P.S.- BARHARA KRISHANGARH O.P., DISTRICT- BHOJPUR, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-03-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Barhara (Krishangarh O.P.) PS case no. 610 of 2023, disclosing offences punishable under Section 354-B and other allied sections of the Indian Penal Code and sections 8/12 of POCSO Act.
3. The prosecution story, as per the First Information Report, is that on 15.10.2023, while the informant was returning home after taking bath in river, she was intercepted by petitioner no. 1 with bad intention. He caught hold of the informant.



Thereafter, petitioner no. 2 along with co-accused Indrasan Paswan arrived there and also caught hold of the hand of the victim, who is aged about 14 years. The accused persons also started pulling the hands of the informant and tearing her clothes.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case in order to create defense in their favour. Learned counsel further submits that the F.I.R. has been lodged after a delay of four days from the date of occurrence, i.e. on 19.10.2023. The fact of the matter is that the brother of the informant along with other accused persons assaulted petitioner no. 1 brutally on 15.10.2023, for which, an F.I.R. has been lodged by petitioner no. 1 against the informant's brother namely Ritesh Kumar @ Lalu Yadav and others on 17.10.2023. Referring to the photograph of the injury at page 22 of the petition, learned counsel submits that petitioner no. 1 has sustained sharp cut injury on his head, which appears to be serious in nature.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the delay in lodging of the F.I.R. and the fact that F.I.R. lodged by petitioner no. 1 against the informant's brother is prior in time, I am



inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VI-cum-Special Judge, POCSO, Bhojpur, Ara, in connection with Barhara (Kishanganj) PS case no. 610 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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