

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17107 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- PARSABAZAR District- Patna

Abhishek Kumar (M), aged about 20 years, S/o Jayendra Paswan @ Jiyendra Paswan, R/o Parsa Khaparail Chak (Shiv Mandir), P.S.- Parsa Bazar, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Lalti Devi, W/O Dhananjay Kumar, R/O Village- Chanakya Colony, P.S. Parsa Bazar, District-Patna.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Amrit Kumar, Advocate
For the O.P. No. 2	:	Mrs. Shilpi Keshari, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 31-07-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Parsa Bazar P.S. Case No. 588 of 2023 dated 09.11.2023 registered for the offences punishable under Sections 376/511 of the I.P.C. and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, on 09.11.2023 at about 3.30 A.M., when the minor daughter of the informant aged about 16 years was in her room of the house, the petitioner was found in objectionable condition by the informant who is the mother of the victim who informed her husband and the



husband reported the matter to the concerned police station then the police came and took away the petitioner. The informant has suspicion that the petitioner was trying to rape her daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner and the victim were good friends as they knew each other for the last two years and they used to talk to each other on phone and when this fact came to the knowledge of the victim's family, the informant has lodged the present false case against the petitioner. The petitioner is a student of a government school and he has no concern with the alleged offence as the victim herself called the petitioner to come to her house in the morning at 6.00 A.M. on the alleged date of occurrence i.e., 09.11.2023 when the petitioner used to go on morning walk. It is further submitted that when the petitioner went to the house of the victim, the informant and her family members had wrongly confined him and assaulted him very badly and lodged the present false case against him and thereafter he was arrested. It is further submitted that the statement of the victim has been recorded under Section 161 of the Cr.P.C. in which she has stated that there was love affair between her and the petitioner for the last



two years and they used to talk to each other on phone for the last six months and on 09.11.2023 at 1.00 P.M. in the night i.e., the alleged date and time of occurrence, she called the petitioner and when the petitioner came she opened the lock of the gate and took him in her room and established physical relationship with him for two hours. It is further submitted that the victim herself denied to be medically examined. There is no statutory compliance of Sections 164A and 53A of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 10.11.2023.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO, Patna/concerned court in connection with Parsa Bazar P.S. Case No. 588 of 2023 with further condition:-

(I) The petitioner is directed to remain



physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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