

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23582 of 2024

Arising Out of PS. Case No.-407 Year-2018 Thana- PAROO District- Muzaffarpur

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Ajay Paswan S/o- Feku Paswna Village- Phular Ps- Paroo Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-05-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in
connection with Paroo P.S. Case No. 407 of 2018 registered
for the offences punishable under Sections 376, 511 and 34
of the Indian Penal Code read with Sections 4 and 8 of the
POCSO Act.

3. Learned counsel for the petitioner submits that
initially the FIR was instituted under Sections 376, 511 and
34 of the Indian Penal Code read with Sections 4 and 8 of
the POCSO Act.

4. It is next submitted that the informant alleged
that the accused persons including the petitioner took her to



a bamboo orchard and attempted to commit rape, but on alarm they fled. It is next submitted that police, during the course of investigation, came to a considered conclusion that two of the accused persons were innocent, but then submitted charge sheet against the petitioner under Sections 341 and 323 of the IPC, but the learned Magistrate differing with the police report took cognizance of the offences under Sections 341, 323 and 354 of the IPC read with Section 8 of the POCSO Act. It is also submitted that petitioner, during the course of investigation, was on police bail. It is next submitted that since the petitioner was on police bail, as such, his case be disposed of in terms of law settled by a judgment of this Court in *Mahendra Prasad Singh Vs. State of Bihar 2004 (3) PLJR 491*, *Sheochandra Singh Vs. State of Bihar 2007 (4) BBCJ 66* and *Jag Narayan Yadav & Ors. State of Bihar 2010 2 PLJR 684* wherein this Court has very clearly laid the law that once an accused who is on police bail and charge sheet comes to be submitted then what steps have to be taken by the learned Trial Court.

5. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the prayer for



anticipatory bail of the petitioner and submits that since the petitioner was on police bail and charge sheet has been submitted, as such, the petitioner be not granted the privilege of anticipatory bail.

6. In view of the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, accordingly the present anticipatory bail application is rejected.

7. However, if the petitioner surrenders before the learned Trial Court on or before 21.05.2024, the learned Trial Court shall on same day dispose of the application keeping in view the law enunciated by this Court as recorded aforesaid.

(Satyavrat Verma, J)

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