

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21182 of 2024

Arising Out of PS. Case No.-380 Year-2022 Thana- PIRPAINTI District- Bhagalpur

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Doman Paswan @ Kundan Paswan @ Kundan Son of Late Gopal Paswan
Resident of Village- Kamat Tola, Post- Kali Prasad, P.S.- Pirpainti, District-
Bhagalpur, Pin-813209 (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sacho mandal (father of the victim) village -Badi Mohanpur, P.S. Ekchari,
Dist.- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakib Ayaz, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 18-12-2024 Heard learned counsel for the petitioner and learned APP

for the State. Perused the case diary. Notice issued to informant
is validly served, despite which, no one appears for the
informant.

2. The petitioner seeks bail in connection with
POCSO Case No. 226 of 2022 arising out of Pirpainti P.S. Case
No. 380 of 2022 instituted for the offence under Section 376 of
the Indian Penal Code and Sections 4 & 8 of the POCSO Act.

3. Prosecution case in short is that informant was
called for by petitioner on the pretext of planting maize,
whereafter she was subjected to wrong doings at the hands of
the petitioner.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16-11-2022. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Victim herself is the informant in this case. Medical report does not corroborate the allegation levelled against the petitioner. There is delay of one day in lodging of the FIR. It is submitted that victim is habitual of lodging false cases of POCSO against several persons. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim is minor and she has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. and she has deposed that petitioner has committed rape upon her.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and there being direct allegation against the petitioner, this Court is not inclined to grant bail to the petitioner. Prayer is *rejected*.



8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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