

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27645 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Dipak Paswan S/o Khublal Paswan R/o Village Sakarama Sakrawan PS
Sanhaula Dist Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bimala Devi W/o Prabhu Paswan R/o vill - Gokul Bhagat Lane, P.s. -
Lalmatiya (Nathnagar), P.O. - Nathnagar, Distt. - Bhagalpur, pin 812006
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar, Advocate
For the State	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Rajesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-07-2024 Heard learned counsels for the petitioner as also the

State and the informant.

2. The petitioner is in judicial custody in connection with Nathnagar (Lalmatiya) P.S. Case No. 291 of 2023 for the offence punishable under sections 366A, 376 of the Indian Penal Code and section 4, 6 of POCSO Act lodged on 12.04.2023 by the informant, Bimla Devi.

3. As per the prosecution story, the girl had gone to the school to get herself registered but did not returned and as such, the FIR against unknown. Later, on the basis of investigation, the petitioner was picked up and he is in custody since 09.10.2023 (paragraph 9 of the petition).

4. Learned counsel for the petitioner submits that as per the 164 Cr.P.C. statement, the girl deposed that she went on



her own and the petitioner had no role to play in the matter.

5. Though learned counsel for the informant opposes the prayer submitting that it is a case under POCSO Act, in view of the fact that the girl has narrated that she went on her own to her maternal grandparent's home, the petitioner is twenty-two years old, having no criminal antecedent and is in custody since 09.10.2023, this Court is inclined to extend him the privilege of bail with conditions.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge, 6th-cum-Special Judge POCSO, Bhagalpur in connection with Nathnagar (Lalmatiya) P.S. Case No. 291 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

7. Before parting, this Court would like to record that despite the Judicial Magistrate Ist Class, Bhagalpur recording that the victim girl is fourteen years old, her name has been incorporated in the 164 Cr.P.C. statement and as such, she needs to be sensitized and go through the POCSO Act on how to record the statement.

8. Let a copy of the order sent to the learned District and Sessions Judge, Bhagalpur for his perusal and needful.

(Rajiv Roy, J)

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