

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29996 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- DURAULI District- Siwan

1. Sakhichandra @ Sakhichandra Manjhi Son of late Ramdhari Paswan Resident of vill.-Tadwaparasia, P.S.-Darauli, Distt.-Siwan
2. Vidyawanti Devi @ Vidhwanti Devi @ Vidyawati Devi Wife Sakhichandra @ Sakhichandra Manjhi Resident of vill.-Tadwaparasia, P.S.-Darauli, Distt.-Siwan
3. Bittu Majhi @ Sharvan @ Bittu @ Shravan Kumar Son of Sakhichandra @ Sakhichandra Manjhi Resident of vill.-Tadwaparasia, P.S.-Darauli, Distt.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh , Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 471, 376 of the Indian Penal Code and 4, 6 of POCSO Act.

3. As per the prosecution case, co-accused *Pappu Paswan* solemnized marriage with the victim on 30.05.2021 and thereafter he forcibly continued to establish physical relation with the victim and on protest by her, all the accused persons assaulted her by means of iron rod .

4. It is submitted on behalf of the petitioners that



petitioner No. 1 is father, petitioner no. 2 is mother and petitioner no. 3 is brother of Pappu Paswan. Specific allegation of sexual assault is against co-accused Pappu Paswan and so far as these petitioners are concerned they have been falsely implicated in this case merely because they happens to be family members of the co-accused Pappu Paswan. As per F.I.R. the date of occurrence is 10.05.2021, but the F.I.R. has been lodged on 01.08.2022 i.e. after the delay of one year and three months for which there is no plausible explanation which itself casts serious doubt over the entire prosecution. As a matter of fact, there was love affair between co-accused Pappu Paswan and the victim and out of their sweet will they solemnized marriage. The age of the victim was 19 years on the date of occurrence. Petitioners are got no concern with the affairs of the couple. Petitioners claim clean antecedent.

5. Learned counsel for the State oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged 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



Vith Additional Sessions Judge cum Exclusive Special Judge,
POCSO Siwan in Darauli in connection P.S. Case No. 216 of
2022, subject to the conditions laid down under section 438(2)
of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Koushik/Saurab
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