

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40825 of 2024**

Arising Out of PS. Case No.-194 Year-2023 Thana- KEWATI District- Darbhanga

Ujjawal Kumar Paswan @ Ujjawal Kumar S/O Arun Kumar @ Arun Paswan  
Resident of Village- Majhigama, P.S. Keoti, Distt- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punit Kumar Yadav S/O Raj Kumar Yadav R/O Village Khirma, P.S. Keoti,  
Distt-Darbhangha

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                    |
|--------------------------|---|------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Rajeev Kumar Verma, Sr. Adv.<br>Mr. Pranav Kumar Jha, Adv.                     |
| For the Opposite Party/s | : | Mr. Md. Aslam Ansari, APP.<br>Mr. Kundan Kumar Ojha, Adv.<br>Mr. Neemani Raj, Adv. |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      31-07-2024              Heard learned senior counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with a case registered for the offence punishable under Section 366(A), 504, 506, 34 of the IPC, but charge sheet was submitted under Section 363, 366(A), 376 of the IPC and Section 4/8 of POCSO Act.

3. As per the FIR, the petitioner along with other co-accused persons kidnapped the minor daughter of the informant and also assaulted the informant's side brutally.

4. It is submitted by learned senior counsel for the



petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He and his family have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is case and counter case between the parties. The statement of the victim has been recorded under Section 164 Cr.P.C. in which she has stated that the petitioner and other co-accused persons committed raped upon her and also assaulted her with lathi and danda, but in medical examination, no evidence of rape nor any external and internal injury was found on any part of the body of the victim. It is also submitted that the victim girl, namely, Sonam Kumari has solemnized her marriage on 09.04.2024. Learned counsel for the petitioner further submits that earlier the case was registered under Sections 366(A), 504, 506, 34 of the IPC, but after the investigation, charge-sheet has been submitted under Section 363, 366(A), 376 of the IPC and Section 4 & 8 of POCSO Act. He further submits that the charge has already been framed against the petitioner. Co-accused Praveen Kumar has been granted regular bail by this Court. Some co-accused have been granted anticipatory bail. Petitioner has no criminal antecedent



and he is in custody since 08.05.2024.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the charge has already been framed against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/Successor Court in connection with POCSO G.R. No. 116 of 2023 arising out of Keoti P.S. Case no. 194 of 2023, subject to the following conditions:

(1) One of the bailors will be own close relatives of the petitioner who will give an affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the



court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

**(Anjani Kumar Sharan, J)**

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