

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57395 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- BODHGAYA District- Gaya

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1. Rakesh Kumar Son Of Rambriksh Paswan R/o Village- Jarhara, Ps- Bodh Gaya, Dist- Gaya
 2. Ram Jatan Paswan @ Ram Ratan Son Of Lalit Paswan R/o Village- Jarhara, Ps- Bodh Gaya, Dist- Gaya
 3. Binod Paswan @ Suman Kumar Son of Mishri Paswan R/o Village- Jarhara, Ps- Bodh Gaya, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumitra Devi Wife Of Subodh Yadav Village- Jarhara, Po- Moratal, Ps- Bodhgaya, Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Bodh Gaya PS Case No. 147 of 2024 dated 14-03-2024, instituted under Sections 341, 323, 504, 506 and 354/34 of the Indian Penal Code and Section 8/12 of the Protection of Children from Sexual Offences Act ('POCSO' for short).

3. The prosecution case, in short, is that daughter of informant went to her school for study and from school she went to agricultural field for defecation, as there was no bath



room in the school. It is alleged that at that time co-accused, namely, Dularchand Paswan dragged the informant's daughter with bad intention and taken her away. Hearing the screaming of victim, villagers assembled and made her captive. Thereafter, petitioners with other co-accused came to the informant house and started misbehaving and assaulting the informant and taken her gold chain.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that victim, in her statement recorded under Sections 161 and 164 of the Cr.P.C., has not whispered about the assault on her and her mother, but she has only stated that co-accused Dularchand had pulled her scarf. It is submitted that there is case and counter case between the parties. The present case is a counter blast of Bodhgaya PS Case No. 146 of 2024 registered under Sections 341, 447, 448, 323, 307, 504, 506/34 of the IPC and Section 3(1)(r)(s) of the SC/ST Act and Section 27 of the Arms Act. The main allegation is against co-accused, namely, Dularchand Paswan. Lastly, it is submitted that petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge of POCSO Act, Gaya, in Bodh Gaya PS Case No. 147 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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