

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73036 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MAHILA P.S. District- Banka

Krishnanandan Paswan, Male, aged about 30 years, Son of Shiv Narayan Paswan, Resident of Village Singhnan P.S. Rajoun District -Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate Mr. Praveen Kumar Agrawal, Advocatde
For the State	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Pratyush Pratap Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 20-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Mahila (Banka) PS Case No. 08 of 2023 instituted for the offences punishable under Sections 376, 323, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act

3. The prosecution case in brief as per informant is that while the victim girl used to go to Coaching Institute for study, the petitioner used to have word with her and one day at about 5:00 P.M. the petitioner induced her and took her beside river and raped her forcibly and also made her offensive video. It is further alleged that when the victim girl returned from the



Nanihaal after two months took her certificate and further lured her took her to a garden and raped her there again and also threatened her not to reveal it anyone or else he may upload the video over internet. Further, when her parents went to ask it to the parents of petitioner, they assaulted victim's parents.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. Learned counsel for the petitioner further submits that the aged of the victim is 17 to 19 years and she is not a minor according to the medical examination. No alleged video of the victim has been recovered or provided before the trial Court. It is case of village enmity and a criminal case has been instituted. The present FIR has been lodged on 10.03.2023 after a lapse of two years delay and no appropriate explanation has been given in this regard.

5. From perusal of the case diary, FIR, medical report, statement recorded under Section 164 of the Cr.P.C. of the victim girl and also the impugned order passed by the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Banka dated 16.06.2023, it appears that the petitioner raped with the minor girl in several times. The victim girl has also supported the statement in the FIR and also direct involvement



of the petitioner for committing rape upon her in her statement under Section 164 of the Cr.P.C. It also appears from the photo copy of the School Leaving Certificate of the victim girl that she was a minor on the alleged date of occurrence. Petitioner is in custody since 14.03.2023.

6. Learned APP opposes the prayer for bail.

7. Considering the facts and circumstances of the case as also the victim girl aged about 16 years as recorded in the School Leaving Certificate, which is minor and the offence is very serious so, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. However, the trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of this order.

(Ramesh Chand Malviya, J)

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