

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.766 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- GAIGHAT District- Muzaffarpur

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Wakil Paswan Son of Late Yogendra Paswan Resident of Village- Patsharma,
Po- Hasna Gaddi, Ps- Gaighat, Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Chaitanya Krishna, Adv.
For the Opposite Party/s	:	Mr.Umanath Mishra, APP
For the Informant	:	Mr. Utsav Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-04-2024 Heard learned counsel for the petitioner and learned

APP for the State as also counsel for the Informant. Perused the

case diary.

2. The petitioner seeks bail in connection with Gaighat
P.S. Case No. 223 of 2023 instituted for the offences under
Section 376 of the Indian Penal Code r/w Section 4, 6, 8, 12 of
the POCSO Act., 2012.

3. As per prosecution case, the accusation against the
petitioner is of committing sexual assault and rape upon the
victim girl, who is a minor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that neither the Informant nor any independent witness has seen the commission of offence. Both the parties are neighbours and, due to previous enmity and dispute, the Informant has falsely implicated the petitioner for his no fault. He further submits that the statement of the victim girl made under Sections 161 and 164 Cr.P.C. are contradictory in nature and the medical report does not support the prosecution case. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 12.06.2023.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, submitting that the petitioner is the sole named accused in the F.I.R. and there is direct allegation of committing rape against him which is serious in nature. He further submits that in the statement made under Section 164 Cr.P.C., the victim girl has supported the prosecution case.

6. Learned counsel for the Informant has also opposed the prayer for bail of the petitioner, stating that the petitioner has committed serious nature of offence. He further submits that the medical of the victim girl has been done after 48 hours of the



time of occurrence. The I.O. after completion of investigation has submitted the charge-sheet against the petitioner under Section 376 of the I.P.C. and Section 4/6/8/12 of the POCSO Act and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the nature of allegation as well as the statement of the victim girl made under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner.

8. Accordingly, prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same as early as possible.

(Rudra Prakash Mishra, J)

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