

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83754 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- PATEPUR District- Vaishali

MD. CHAMAN @ MD.WAHID S/O MD. SHAHID RESIDENT OF
VILLAGE AND P.O.- SHAHBJPUR PURAINA, P.S.- PATEPUR,
DISTRICT- VAISHALI Petitioner/s

Versus

1. THE STATE OF BIHAR
2. CHAMAN PASWAN S/O NAGA PASWAN VILLAGE AND P.O.
SHAHBAJPUR PURAINA, WARD NO. 5, P.S.- PATEPUR, DISTRICT-
VAISHALI Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Singh, Advocate
Mr. Samrendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Patepur P.S. Case no.117 of 2023 registered under sections 307, 377 and 506 of the Indian Penal Code, sections 3 and 4 of the POCSO Act and sections 3(1)(r)(s) of the SC and ST Act.

3. As per the prosecution case, the informant states that the petitioner committed unnatural offence on his 6 year old son.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the FIR has taken place. Even the medical examination report of the alleged victim boy does not support the allegations in the FIR. The petitioner is in custody



since 23.5.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case. It is further submitted that cognizance has been taken in the learned trial Court and the petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation including the contents of the medical examination report, the petitioner having remained in custody for over 10 months since 23.5.2023, not having any criminal antecedent and cognizance having been taken in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Patepur P.S. Case no.117 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VI-cum- Special Judge, POCSO, Vaishali at Hajipur.

(Partha Sarthy, J)

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