

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2366 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- MAHILA P.S. District- Sheikhpura

Chhotu Kumar @ Chhotelal Paswan Son Of Umesh Paswan Resident Of
Village - Jakhaur, P.S. - Ariyari, District - Sheikhpura

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manisha Kumari, D/o Ajay Paswan through her mother 'Rina Devi', W/o
Ajay Paswan, R/o Village-Jakhaur, P.S. - Ariyari, District – Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-04-2024 Heard Mr.Dinkar Kumar, learned counsel for the

petitioner, learned counsel for the informant and Mr.Yogendra
Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
02.11.2023 in connection with SHK Mahila P.S. Case No. 19 of
2023, F.I.R. dated 13.05.2023 registered for the offence
punishable under Sections 341,323,354(B),504,506 of IPC and
Section 8 of POCSO Act.

3. Allegation against the petitioner is that he
alongwith other co-accused person Sohan Kumar tried to molest
the victim and thereafter they have assaulted to the victim and
her family members.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.11.2023.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he assaulted to the informant and tried to molest her and apart from the aforesaid the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the petitioner and other co-accused person have committed wrong with her.

6. Considering the aforesaid fact and nature of allegation, let the petitioner, above named, be released on bail **after framing of charges, if not framed as yet**, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-VI, Sheikhpura in connection with SHK



Mahila P.S. Case No. 19 of 2023,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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