

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3539 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- MAINATAND District- West Champaran

1. Dhiraj Kumar Paswan @ Dhiraj Paswan Son of Durdev Paswan@ Ramji Paswan Resident of Village- Singhpur Haraiya, P.O- Singhpur Haraiya, P.S- Raxaul, District- East Champaran
2. Vikash Paswan Son of Ramji Paswan @ Lalkishore Paswan Resident of Village- Singhpur Haraiya, P.O- Singhpur Haraiya, P.S- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Mainatand P.S. Case No. 74 of 2023, registered on 12.05.2023 for the offences under Sections 341, 323, 363, 366(A), 504 and 506/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, the minor sister of the informant was enticed away with intention of marriage by co-accused Amit Paswan. When the informant and his other sister went to enquire from the petitioners, who are family members



of co-accused Amit Paswan, they abused and were bent upon assaulting them. They also threatened the informant and his sister.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The prosecution story is based on suspicion and surmises and there is no tangible material to connect the petitioner with the offence as alleged. The present case has been lodged only to pressurize the petitioner and harass them. It is further submitted that the informant is not the eye-witness and no person has seen the occurrence. The allegation against the petitioners is only of abusing and attempting to assault the informant and his elder sister. The FIR has been lodged after much delay, since for the occurrence of 22.04.2023, the FIR has been lodged on 12.05.2023 and there is no explanation for the same. From the facts of the FIR, no offence under Section 366(A) of the IPC and Section 8 of the POCSO Act is made out against the petitioners. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances



and submissions made on behalf of the parties and considering the completely vague nature of allegation against the petitioners and strong possibility of false implication, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of concerned court in connection with Mainatand P.S. Case No. 74 of 2023 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

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