

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2292 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- LAKHISARAI District- Lakhisarai

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1. Umashankar Paswan S/O Khelavan Paswan Mohalla- Dayal Tola, Baluper, Ps. Lakhisarai, Dist. Lakhisarai.
 2. Mukesh Paswan @ Mukesh Kumar S/O Umashankar Paswan Mohalla- Dayal Tola, Baluper, Ps. Lakhisarai, Dist. Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi
For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Parmanand Prasad Narain Sahi, learned counsel appearing on behalf of the petitioners and Mr. Raj Kishor Singh, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Lakhisarai P.S. Case No. 338 of 2023, registered for the offences punishable under Sections 341, 323, 504, 354(B)/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

3. The prosecution case is based on the written report of the informant alleging therein that co-accused Raushan Paswan had been regularly harassing the daughter of the



informant and on 12.05.2023, while his daughter was returning from the College, in the meantime, co-accused Raushan Paswan pulled her *dupatta* and misbehaved her and when the victim made a protest, he forcibly tried to take her away. When the aforesaid incidence was brought to the knowledge of his parents, all the family members, including the petitioners, who are father and uncle of Raushan Paswan, assaulted the informant and his daughter due to which they suffered injuries.

4. It is submitted on behalf of the petitioners that the present case is nothing but a counter blast of SC/ST P.S. Case No. 30 of 2023 instituted by the wife of petitioner no. 1 against the informant and his family members. Moreover, even as per the narrations made in the FIR, it is manifest that no allegation has been levelled against the petitioners of behaving indecently with the victim and as such no case under the POCSO Act is made out against the petitioners. He next submits that though on account of scuffle between the family members of both the sides some injuries have sustained to persons of both the sides and in such brawl one tooth of the victim was uprooted. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation and would not indulge in such type of criminal activity.



5. On the other hand, learned counsel for the State opposes the bail application and submits that the case has been instituted under Sections 8/12 of the POCSO Act and as such notice is required to go to the informant, that apart there is specific allegation against the petitioners that they assaulted the informant and others due to which the informant has sustained grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the allegations levelled against the petitioners which *prima facie* do not constitute any case under the POCSO Act and so far the injury is concerned that is in relation to uprooting of the tooth, which has also not been specifically attributed to the petitioners, coupled with their fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VIth-cum-Special Judge POCSO, Lakhisarai in connection with Lakhisarai P.S. Case No. 338 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the



further condition that one of the bailors shall be the own/close
family members of the petitioners.

(Harish Kumar, J)

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