

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18932 of 2025

Arising Out of PS. Case No.-1104 Year-2023 Thana- KAHALGAON District- Bhagalpur

Raju Paswan @ Rajib Paswan Son of Ganesh Paswan R/o Vill- Karia
Mahgama PS-Kahalgaon Dist- Bhagalpur. Petitioner/s
Versus

1. The State of Bihar.
2. Rabita Devi Wife of Bambam Paswan R/Vill- Karia Mahgama PS-
Kahalgaon Dist- Bhagalpur.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 11-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Kahalgaon P.S. Case No. 1104/23, registered for the offence
under Sections 354(A), 354(B), 341, 323, 379, 34 of the Indian
Penal Code and Section 8 of POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 06.01.2025.

4. The allegation against petitioner is to assault minor
daughter of the informant during the occurrence, where her
modesty was outraged and she was also sexually assaulted. The
informant being mother was also assaulted during the occurrence.
It is alleged that on previous two occasions also such attempt was



made by the petitioner.

5. Learned Counsel appearing on behalf of the petitioner submitted that the petitioner is the only son-in-law of the cousin of the informant and due to property disputes, the present occurrence took place by making minor daughter instrumental, who is none but cousin sister-in-law of the petitioner. It is submitted that admittedly during the occurrence, the petitioner alleged to slap the minor daughter of the informant, which *prima facie* negate that assault was made with sexual intent, which is the prime ingredients as to attract the offence of sexual assault in terms of Section 7 of the POCSO Act. It is submitted that this fact can be also gathered from the statement of victim recorded under Section 164 of the Cr.P.C., where *prima facie* nothing can be gathered *qua* sexual intent of the petitioner, who remains in custody for more than eight months and, there is no chance to conclude the trial in near future within the preferred time period of one year in terms of Section 35(2) of the POCSO Act.

6. Learned APP duly assisted by learned counsel Mr. Ravi Prakash Dwivedi, appearing on behalf of the informant, while opposing the prayer of bail submitted that the thrust of allegation is available against this petitioner.



7. Considering the aforesaid factual submissions and by taking note of fact as occurrence *prima facie* looks like a normal scuffling, where the statement of victim as recorded under Section 164 of the Cr.P.C. also *prima facie* not suggesting that the assault was made with sexual intent, coupled with the fact that petitioner remains in custody since 06.01.2025, where trial is not likely to conclude within preferred time period of one year in terms of Section 35(2) of the POCSO Act, accordingly, petitioner above named, is directed to be released on bail in connection with Kahalgaon P.S. Case No. 1104/23, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (POCSO) Cum District & Additional Sessions -VII, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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