

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20414 of 2025

Arising Out of PS. Case No.-418 Year-2024 Thana- PUNPUN District- Patna

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Rahul Kumar @ Rahul Paswan Son of Harendra Paswan @ Harendra Prasad
Resident of Village - Mohanpur, P.S. - Punpun, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandramani Devi Wife of Niranjan Paswan Resident of Village -
Mohanpur, P.S. - Punpun, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sadanand Paswan, Adv
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Ashok Kr. Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 01-09-2025 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 Punpun

P.S. Case No. 418 of 2024 registered for the offences under

Sections 65(2) of the Bharatiya Nyaya Sanhita and Section 6 of

the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody

since 23.12.2024.

4. The allegation against the petitioner is to commit

rape/penetrative sexual assault upon minor daughter of the

informant aged about 7 years on 22.12.2024. The occurrence was

reported by two unknown ladies of same village to the informant.



5. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and it was not even reported by victim to her mother, rather it was reported by unknown co-villagers which after lodging of this FIR found false and realizing mistake, the informant filed the compromise petition on affidavit before learned Special Judge, POCSO, Patna by retracting her earlier version by denying allegations as raised. It is submitted that medical report is also not supporting the occurrence particularly in view, when the age of victim is seven years. It is submitted that petitioner supported rival groups in *panchayati/mukhiya* elections and for said reason present false case was lodged against petitioner out of political rivalry. It is also submitted that despite of the fact as petitioner is in custody for about eight months not even victim could be examined in view of Section 35(1) of the POCSO Act. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already been completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for bail approved the submission as advanced by learned counsel for the petitioner that



matter appears compromised between the parties for the reason out of misconception, present false case was lodged against this petitioner.

7. In view of aforesaid factual submission and by taking note of fact as investigation and retracted version of informant prima-facie creates doubt *qua* crime in question, coupled with the fact as petitioner remains in custody for about eight months i.e., since 23.12.2024, where victim was not even examined defying provisions of Section 35(1) of the POCSO Act, accordingly above named petitioner, is directed to be released on bail in connection with Punpun P.S. Case No. 418 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Act, Patna/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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