

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40294 of 2025

Arising Out of PS. Case No.-457 Year-2024 Thana- PURNEA SADAR District- Purnia

Chotu Paswan @ Chhotu Paswan @ Chhotu Kumar Son of Umesh Paswan
village- Aina Mahal Gulabbagh, Ps- Sadar, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Sikandar Paswan village- Aina Mahal Gulabbagh, Ps- Sadar, Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar Bhagat, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2025 Heard Mr. Sumit Kumar Bhagat, learned counsel for the petitioner and Mr. Navin Kumar Pandey, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 08.04.2025 in connection with Sadar P.S. Case No. 457 of 2024, F.I.R. dated 16.08.2024 for the offences punishable under Sections 341, 323, 504, 34 of the IPC and Section 4 and 8 of the POCSO Act.

3. According to prosecution case, the petitioner along with other co-accused persons entered into the house of the informant and on the point of knife, committed rape upon her daughter.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence has alleged in the FIR is 29.06.2024 but the present FIR has been instituted on 16.08.2024 i.e. after delay of about more than two months. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The petitioner is in custody since 08.04.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that initially the complaint petition has been filed on 26.07.2024 itself and the same was instituted as the present FIR. So, ground of the petitioner that FIR has been instituted after the delay of about two months is wrong. Apart from that the statement of the victim was recorded under Section 164 of the Cr.P.C./ 183 of the BNSS in which she has categorically stated that the petitioner has committed rape upon her and as far as medical report is concerned, medical of the victim was conducted on 17.08.2024 whereas the occurrence took place on 29.03.2024, so, medical report has not found any evidence of sexual assault upon the person of the victim. Apart



from that age of the victim as assessed by the doctor was 14-17 years which suggests that the victim was minor on the date of occurrence.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Sadar P.S. Case No. 457 of 2024 pending in the court of learned Additional Sessions Judge-VI-cum- Special Judge (POSCO Act), Purnea.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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