

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48217 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- NAUBATPUR District- Patna

Dharmendar Kumar @ Dharmendra Paswan Son of Late Chansi Paswan
Resident of Village -Target Pali PS -Naubatpur District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gyatri Devi Wife of Deepak Paswan Resident of Village -Target Pali PS
-Naubatpur District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 19-12-2025 Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in judicial custody in connection with Special (POCSO) Case No. 103/2024 arising out of Naubatpur P.S. Case No. 231 of 2024 for the offence punishable under Sections 377 of the Indian Penal Code and 4/6 of POCSO Act lodged on 24.04.2024 by the informant, Gyatri Devi.

3. As per the prosecution story, the informant has alleged that luring his minor child of providing cold drinks/eatables, the petitioner made unnatural sex with him. As he returned and cried, the informant came to know about this which followed the FIR.

4. Earlier, the application of the petitioner was rejected



vide order dated 09.12.2024 in Cr. Misc. No. 64500 of 2024 and this is the second attempt.

5. Learned Senior counsel for the petitioner submits that he absolutely has no criminal antecedent, has remained in custody since 25.04.2024, the trial is not likely to be concluded soon, if granted bail, he shall be diligently appearing in trial and under no circumstance, will come across any of the witnesses and/or try to influence them.

6. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that a minor child was molested by this petitioner.

7. Allegation is grave, a minor child was molested, however taking into account the fact that the petitioner has remained in custody since 25.04.2024, trial has not concluded and an undertaking has been given that he shall be diligently appearing in trial and will not influence the witnesses, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (Rape and POCSO Act) Patna in connection with Naubatpur P.S. Case No. 231 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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