

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71006 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- KANHauli District- Sitamarhi

Jai Kishore Paswan Son of Kailash Paswan Resident of Village - Bharsar (Bharsand), P.O. - Kanhauli, P.S. - Kanhauli, District - Sitamarhi, Pin Code - 843317 (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Pujan Paswan Son of Siyaram Paswan Resident of Village - Orlahiya, P.S. - Kanhauli, District - Sitamarhi, (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

7 20-02-2025 Heard learned counsel for the petitioner and Mr. B.N. Pandey, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 376 AB of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

3. The case of the prosecution is that the minor daughter of the informant was being raped by the petitioner. It is alleged that on that day there was marriage in the house of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. He has got no criminal antecedent. During course of investigation, the victim was examined under Section 164 of the Cr.P.C., wherein, she has stated that on that day the petitioner went where she was sleeping and forced himself on her. When she raised alarm, he fled away. After that, when she again slept, he again forced himself on her. The victim has not stated anything regarding commission of rape. The medical examination of the victim was conducted and in the medical examination, the doctor has found hymen intact and has not found any injury on the private part of the victim. Admittedly, the victim is aged about seven years. If such a horrible crime is committed with a girl of such a tender age, there must be some marks on her private part which is absent. It is further submitted that the petitioner is languishing in judicial custody since 13.03.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kanhauli P.S. Case No. 41 of 2024 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of learned Additional Sessions Judge VI
-cum- Special Judge (POCSO Act), Sitamarhi.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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