

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73620 of 2025

Arising Out of PS. Case No.-517 Year-2018 Thana- MUFFASIL District- West Champaran

Nand Kishor Paswan S/o- Manager Paswan Village- Lalgarh PS- Bettiah
Muffasil Distt- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o- Suresh Sah Village- Lalgarh PS- Bettiah Muffasil Distt- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Ashutosh Kumar, Advocate
For the State	:	Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-11-2025 Heard the learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 354B of the Indian Penal Code and Section 8 of the POCSO Act.

3. According to prosecution case, the informant, submitted a written application to the SHO, Muffasil Police Station, Bettiah, stating that on 18.09.2018 at about 8:30 PM, while she was alone and had gone outside her house to attend the call of nature, her father being hospitalized due to an assault



by one Nathuni Paswan, the petitioner allegedly caught hold of her and attempted to commit rape. When she resisted, he allegedly tore her clothes. It is further alleged that when her sister, Mina Devi, came to her rescue, the petitioner also assaulted her. On hearing the hulla, villagers gathered at the spot, after which the petitioner fled from the place of occurrence.

4. Learned counsel for the petitioner submits that the allegations which has been leveled against this petitioner in the F.I.R., with regard to having tried to commit rape, is not corroborated from the statement recorded under Section 164 rather it has only been stated that the clothes were torn by this petitioner whereas the reason behind the dispute was occasioned on account of cutting of mango tree on the date of incident which would be evident from the narration made in the F.I.R.

5. Learned counsel for the informant has appeared in this case *suo motu* and submits that now they have very cordial relations and with regard to dispute having arisen owing to cutting of mango tree and it has next been submitted that the victim girl is already married with another person and is leading a happy and jovial married life.

6. Considering the aforesaid facts and circumstances



that the dispute was arisen on account of cutting of mango tree on the date of incident which would be evident from the narration made in the F.I.R. and the victim and the petitioner are currently cordial with each other. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO cum Additional District and Sessions Judge-VI, West Champaran, Bettiah, in connection with Muffasil P.S. Case No. 517 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

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