

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84468 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- MADANPUR District- Aurangabad

Raushan Kumar Son of Late Arjun Paswan Resident of Village- Bara, P.O.-
Var, P.S.- District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudesh Rajak Son of Late Murari Rajak Resident of Village- Bara, P.O.- Var,
P.S.- Madanpur, Distt.- Aurangabad (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Madanpur P.S. Case No. 350 of 2024 instituted for the offence
under Sections 126(2), 115(2), 74, 78, 79, 351(2), 351(3) of the
Bharatiya Nyaya Sanhita, 2023, Sections 8 & 12 of the POCSO
Act and Section 37 of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Prosecution case in a nutshell is that on 05-09-2024
on the occasion of teacher's day, victim was returning to her
home from school and in the meantime, petitioner in an
inebriated condition caused eve-teasing with the victim and



pulled her towards bush. When victim raised alarm, villager Sujit Kumar rescued her.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06-09-2024. Petitioner bears three criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. No occurrence as alleged in the FIR, ever took place. Informant is not the eye witness to the occurrence. It is submitted that petitioner had earlier dispute with Sujit Kumar, and thus, in conspiracy, he has falsely implicated the petitioner upon finding petitioner in a drunken state. The petitioner has neither assaulted nor used criminal force to victim with intent to outrage her modesty. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner by contending that victim in her statement recorded under Section 183 of the BNSS,2023 stated about eve-teasing caused with her in the way.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madanpur P.S. Case No. 350 of 2024 , subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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