

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87738 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- GWALPARA District- Madhepura

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Ashish Kumar S/o Arjun Sharma Resident village-Maharajganj Ward No. 14/15, P.S.-Gwalpara (Arar O.P.), District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi W/o Manoj Paswan Resident village-Maharajganj ward no.- 15, Paswan Tola, P.S.-Gwalpara (Arar O.P.), District-Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 17-06-2025 Heard Mr. Pawan Kumar, the learned counsel for the petitioner and Ms. Usha Kumari, the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Gwalpara (Arar O.P.) P.S. Case No. 177 of 2023, registered for the offences punishable under Sections 341, 376, 511/34 of the Indian Penal Code, 27 Arms Act, 8 POCSO Act & 3(i), (xi), (xii), 3(2), (v) of SC/ST Act. Petitioner has clean antecedent.

3. As per the prosecution case, the informant had alleged that while her minor daughter was going to the field, the petitioner along with seven other accused persons on the point of revolver threatened her and even molested her and when



hulla was raised, they had fled away.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation, of sexual assault, on the petitioner and from mere perusal of the FIR, it would be evident that the allegations are general and omnibus in nature. It has further been submitted that no case under the Arms Act or the SC/ST Act is made out against the petitioner and nothing specific has been alleged against him. The learned counsel for the petitioner next submits that the mother of the informant has refused for the medical examination of her victim daughter. The learned counsel also submits that one of the named accused person against whom there is specific allegation, has been enlarged on bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 27.09.2024, passed in Criminal Misc. No. 26858 of 2024, the order of which has been brought on record by way of Annexure-P/3. It has lastly been submitted by the learned counsel for the petitioner that the petitioner carries clean antecedent and he is in custody since 29.06.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated



that there is an allegation upon the petitioner as well as the other accused persons to have tried to outrage the modesty of the daughter of the informant.

6. Considering the aforesaid submissions made by the parties and taking into account the fact that similarly situated one of the named accused person against whom there is specific allegation, has been enlarged on bail by a Co-ordinate Bench of this Hon'ble Court and also taking into account the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura, in connection with Gwalpara (Arar O.P.) P.S. Case No. 177 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.



(iii) The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.

(iv) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(v) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(vi) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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