

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28668 of 2026

Arising Out of PS. Case No.-970 Year-2024 Thana- COMPLAINT CASE District- Banka

Manoj Kumar Paswan @ Manoj Paswan @ Jitendra Kumar Paswan S/o Late
Shiv Narayan Paswan R/o Suri Hari, P.S. - Amarpur, District - Banka.

... .. Petitioner

Versus

1. The State of Bihar
2. XYZ D/o K R/o Village - Surihari, P.S. - Amarpur, Dist. - Banka.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Parties : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in complaint case and apprehending his arrest in connection with Complaint Case No.970 of 2024 registered under Sections 354(B), 504, 506, 34 of the Indian Penal Code and Sections 12 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act').

3. As per the complaint case, petitioner allege to abuse and assault the informant and also allege to harass sexually the minor daughter of the informant during the course of occurrence.



4. It is submitted by learned counsel for the petitioner that the petitioner is falsely implicated with the present crime in question due to land disputes as Title Appeal No. 20 of 2016 is pending between the petitioner and father of the complainant. It is also submitted that the petitioner is also accused in Amarpur P.S. Case No. 463 of 2016, 706 of 2024 and 288 of 2024, where he is on bail. In this context, it is pointed out that Amarpur P.S. Case No. 706 of 2024 and 288 of 2024 were lodged by the sister and father of complainant respectively.

5. Arguing further, it is submitted that complainant is the nephew of the petitioner and to harass entire family, the petitioner was implicated with the present false case. It is submitted that the present case is the gross abuse of POCSO Act. It is also pointed out that complaint in issue is not supported by an affidavit in view of **Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]**.

6. Learned APP opposed the prayer of bail.

7. The notice as issued by this Court to



complainant/ O.P No. 2 was received personally, but despite service of notice to O.P. No. 2, none appeared.

8. In view of aforesaid factual submissions and by taking note of fact as *prima facie* enmities in the background of land dispute allegation raised through private complaint as discussed aforesaid, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 6- cum Special Judge, POCSO, Banka in connection with Complaint Case No.970 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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