

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69979 of 2024**

Arising Out of PS. Case No.-136 Year-2024 Thana- RAJAON District- Banka

Bharat Paswan @ Bihari Paswan Son of Sri Ganga Paswan R/O-Village-
Bhadwa, Police Station -Rajoun, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX (Victim) D/O- Dayanand Paswan Resident of Village- Pakariya, P.S.-
Pathargama, Distt.- Godda (Jharkhand), At present R/O- Village- Bhadwa,
P.S.- Rajaoun, Distt.- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-02-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Rajoun P.S. Case No. 136 of 2024 registered for the offences punishable under Sections 341, 323, 354-B and 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per FIR, petitioner alleged to outrage the modesty of minor daughter of the informant and also alleged to touch her cheek during the occurrence. Allegation of mishandling is also available.

4. It is submitted by learned counsel appearing on behalf of the petitioner that informant usually reside with the family of her maternal uncle. It is pointed out that between two



agnates there is land dispute and therefore by making this informant instrumental present case was lodged to pressurize petitioner and his family to enter into compromise in the land dispute. It is submitted that after passing of no coercive order in this case vide order dated 21.10.2024, two false cases of almost similar allegation was lodged against this petitioner with same police station making informant instrumental. It is submitted that even as per FIR the allegation *qua* sexual assault (non-penetrative) not appears with sexual intent as same cannot co-exist with allegation of mishandling and abuse. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation is specific against this petitioner as to outrage the modesty of informant, who is minor aged about 15 years.

6. Let it be so, as informant is in habit of lodging such criminal cases against petitioner, where she appears to lodge two more cases of similar nature after “no coercive” order in the present case, where occurrence prima-facie, not suggest that it place with sexual intent, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a



period of four weeks, is directed to be released on bail, 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/concerned Court, where the case is pending in connection with Rajoun P.S. Case No. 136 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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