

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32470 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- PUPRI District- Sitamarhi

Raju Paswan S/o Kantul Paswan Resident of Village- Bhahma, P.S.- Pupari,
District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr.Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Mr. Ashok Kumar Jha, learned counsel for the petitioner
and Mr. Manoj Kumar, learned APP for the State are present.

Petitioner seeks regular bail in connection with Pupari
P.S. case no. 227 of 2021 registered for the offences punishable
under Sections 354B, 506 of the Indian Penal Code and Section 8
of the POCSO Act.

As per allegation, this petitioner entered into the room
of victim in the night when she was asleep and thereafter the
petitioner tried to outrage the modesty of the victim but in the
meantime the victim woke up and raised an alarm and caught hold
of the accused petitioner and thereafter the petitioner was handed



over to the police and during the occurrence the petitioner was having a knife with him when he committed the alleged occurrence.

The main submissions advanced by Mr. Ashok Kumar Jha, learned counsel for the petitioner are that the petitioner has got no criminal antecedent and languishing in jail since 1.7.2021, he is next door neighbour of the informant and at the time of alleged occurrence there was a dispute in between petitioner and informant's family with regard to opening a window and the said dispute has been accepted by the victim in her deposition which has been recorded during the trial of the present case.

Mr. Manoj Kumar, learned APP has opposed the prayer for bail.

In view of the above submissions and considering the petitioner's clean antecedent and his custody period and the dispute which was running in between the petitioner and the informant's family at the time of happening of the alleged occurrence as submitted, in the opinion of this Court, the petitioner deserves to a lenient approach, let the petitioner 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 concerned Court in connection with Pupari P.S. case No. 227 of 2021 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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