

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1019 of 2016

Arising Out of PS.Case No. -187 Year- 2016 Thana -MITHANPURA District- MUZAFFARPUR

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Shivjee Kumar, Son of Prahlad Mahto, Resident of Mohalla- Malighat, Bharat Mata Chowk, P.S. Mithanpura, District Muzaffarpur.

.... Appellant.

Versus

The State of Bihar

.... Respondent.

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Appearance :

For the Appellant : Mr.

For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 23-12-2016

Heard learned counsel for the appellant as well as learned
Special P.P. for the State.

2. This criminal appeal, filed under section 14A (2) of the SC/ST (Prevention of Atrocities) Amendment Act, is preferred against the order dated 31.08.2016 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur, by which the prayer of the appellant for regular bail in connection with Mithanpura P.S. Case No. 187 of 2016 was rejected.

3. The present case was lodged for the offences under Sections 354 and 354 (D) of the Indian Penal Code and Section 12 of the POCSO Act and Section 3(x) of the SC/ST (Prevention of



Atrocities) Amendment Act.

4. The accusation against the appellant is that he used to tease 8 years old girl. The appellant was caught by the police and was sent before the court below and, thereafter he was remanded in the present case on 09.08.2016. He moved for bail in connection with the aforesaid case before the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur, which was rejected by the impugned order dated 31.08.2016.

5. Submission on behalf of the appellant is that the written report of informant does not constitute an offence of SC/ST (Prevention of Atrocities) Amendment Act and so far as the offences of Indian Penal code and POCSO Act are concerned, the appellant has sufficiently been punished by remaining in jail custody since 09.08.2016.

6. Taking note of the aforesaid facts and circumstances as well as submission of the parties, the impugned order dated 31.08.2016 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur, in connection with Mithanpura P.S. Case No. 187 of 2016 is hereby set aside.

7. Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 1st



Additional Sessions Judge-cum-Special Judge, POCSO Act,
Muzaffarpur, in connection with Mithanpura P.S. Case No. 187 of
2016.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.12.2016
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