

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.775 of 2016**

Arising Out of PS.Case No. -29 Year- 2015 Thana -MAHILA PS District- AURANGABAD

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1. Gaga Singh S/o Sri Nagendra Singh Resident of Village- Bardiha, P.S. Nabinagar, District Aurangabad. .... Appellant/s

Versus

1. The State of Bihar .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate

For the Respondent/s : Mr. Sri Sadanand Paswan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**

**SHARAN SINGH**

**ORAL ORDER**

4      05-12-2016                      The petitioner is in custody since 09.08.2016 in connection with Mahila P.S. Case No. 29 of 2015 registered for the offence punishable under Sections 342 and 376 of the Indian Penal Code, 4 Protection of Children from Sexual Offences Act and Section 3 (1)(x), 3(1)(xi), 3(1)(v) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989. He has preferred this appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 against the order dated 18.08.2016 passed by Special Judge, POCSO Act, Aurangabad, whereby appellant's application for grant of bail has been rejected.

Learned counsel appearing on behalf of the appellant has submitted that his implication in this case is malicious, which has also come in course of investigation.

Upon perusal of the case diary, I find some force in submission made on behalf of the appellant. It transpires from the



case diary that the witnesses, in course of investigation neither supported the nature of accusation nor the manner of occurrence also. In my view, thus, learned counsel for the appellant has been able to make out a case that the appellant deserved grant of regular bail.

In the facts and circumstances of the case, accordingly this appeal is allowed. The order dated 18.08.2016 passed by Special Judge, POCSO Act, Aurangabad is, hereby, set aside.

Let the appellant, above-named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Aurangabad in connection with Mahila P.S. Case No. 29 of 2015 (G.R. No. 43/15).

This is subject to the condition that the appellant shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

Vats/-

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