

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.903 of 2016

Arising Out of PS.Case No. -37 Year- 2015 Thana -SONBERSA District- SAHARSA

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Pankaj Bishwas @ Pankaj Vishwas son of Shambhu Bishwas, resident of village-
Sonbarsa Raj, P.S.-Sonbarsa, Raj, District- Saharsa

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-10-2016

Heard learned counsel for the appellant and learned counsel
for the State.

2. This appeal under Section 14-A (2) of the Scheduled
Castes and the Scheduled Tribe (Prevention of Atrocities) Act, 1989
(for short 'SC and ST Act') has been filed against the order dated
5.8.2016 passed by the learned 1st Additional Sessions Judge-cum-
Special Judge, Saharsa in POCSO Case No.15 of 2015/ Sonbarsa Raj
P.S. Case No.37 of 2015 registered under Sections 341, 323, 447, 504
and 506/34 of the Indian Penal Code and Section 3(1)(x) of the SC
and ST Act and Section 12 of the Protection of Children from Sexual
Offences Act.

3. The informant, a student of Class-X, has alleged that the
appellant Pankaj Bishwas and Indal Bishwas always used to

misbehave with her while going to school and because of the said misbehavior she was compelled not to attend her school. She has further alleged that on 6th March, 2015, the appellant and co-accused Indal Bishwas came to her house and abused her.

4. It is submitted by the learned counsel for the appellant that the entire allegation is false and baseless. The appellant has been framed in this case for the reasons best known to the informant, as the appellant had never ever teased the informant. It is further contended that the appellant is in custody since 27th July, 2016 and apart from the present case, he has not been made accused in any other case. He has got roots in the society and is not likely to abscond, if released on bail.

5. Learned counsel for State has submitted that looking at the nature of allegation, the court below has rightly rejected the application for bail of the appellant.

6. Having regard to the submissions made at the Bar and keeping in mind the clean antecedent of the appellant, the order dated 5.8.2016 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa in POCSO Case No.15 of 2015 is set aside. The appellant is directed to 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 learned 1st Additional Sessions Judge-cum-

Special Judge, Saharsa in connection with Sonbarsa Raj P.S. Case
No.37 of 2015 (POCSO Case No.15 of 2015)

6. The appeal stands allowed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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