

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.945 of 2016

Arising Out of PS.Case No. -90 Year- 2016 Thana -DELHA District- GAYA

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Reyazuddin Son of Late Wazid Husain, Resident of Mohalla- Loco
Collony, P.S.- Delha, District- Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha, 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

2 28-11-2016 The appellant is in custody since 17.05.2016. He has filed the present appeal under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act being aggrieved by an order dated 13.06.2016 passed by learned Additional Sessions Judge-I-cum- Special Judge (POCSO Act), Gaya in POCSO Case No. 22 of 2016 arising out of Delha P.S. Case No. 90 of 2016.

The appellant is accused of commission of offence punishable under Sections 376 and 354B of the Indian Penal Code and Section of 8 of POCSO Act.

Learned counsel for the appellant has submitted that the appellant is 62 years old man and he is tailor by profession. According to him, the appellant has been maliciously roped in by



making false allegation. It has further been submitted that since the chargesheet has been submitted and there is no chance that the appellant would flee from the course of trial if granted regular bail, the appellant should have been allowed regular bail by the court below. The victim is said to be four years old female child.

Considering the fact that the appellant is in custody since 17.05.2016 and chargesheet has already been submitted, I consider it to be a fit case, where he ought to be given privilege of regular bail. In the peculiar facts and circumstances of the case, accordingly, this appeal is allowed. The order dated 13.06.2016 passed by learned Additional Sessions Judge 1st-cum-Special Judge POCSO Act, Gaya is, hereby, set aside.

Let the appellant, above-named is directed to be released on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge POCSO Act, Gaya in connection with POCSO Case No. 22 of 2016 arising out of Delha P.S. Case No. 90 of 2016.

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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