

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2133 of 2017

Arising Out of PS.Case No. -407 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Himali Mahto @ Harendra Kishore

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Shyam Sunder Pandey, Advocate.

For the Respondent : Smt Usha Kumari No-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-08-2017

Heard the parties.

The appellant is apprehending his arrest in Shikarpur P.S. Case No.407 of 2016 for the offence under Section 4/6 of POCSO Act and Section 3(2) (x) of SC & ST(Prevention of Atrocities)Act.

Allegation as per the F.I.R. against the appellant along with other co-accused is of committing rape upon the informant.

Submission of the learned counsel for the appellant is that he has been falsely implicated in this case due to land dispute and title suit is going on between the parties. Prosecution case is not supported by the medical report.

Heard learned Special A.P.P. also who opposed the prayer of bail on the ground of maintainability.

Having heard both sides and in view of the facts and



circumstances, as state above, this appeal is disposed of with a direction to the learned court below to consider the submission above stated, let the appellant be released on bail in connection with Shikarpur P.S. Case No.407/16 to the satisfaction of learned Sessions Judge, Bettiah, West Champaran, otherwise he is free to pass any other order or orders as he deems fit and proper.

AnilKrSinha/-

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(Vinod Kumar Sinha, J)

