

20IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.761 of 2017

Arising Out of PS.Case No. -267 Year- 2016 Thana -PHULWARI District- PATNA

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Suday Sharma son of late Harvans Sharma, resident of Village- Madhavpur,
P.S. Janipur, District Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Niraj Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 16-05-2017

Heard learned counsel for the appellant.

The appellant has filed the instant appeal in terms of Section 14(A) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act against an order dated 9.11.2016 passed by the learned 1st Additional Sessions Judge, Patna in connection with Special (POCSO) Case No. 62/16 relating to Phulwarisharif (Janipur) P.S. Case No. 267/2016, registered for the offences punishable under Sections 457/354(A)/ 376/511/504/506 of the Indian Penal Code and Section 3(i)(xi) of (Prevention of Atrocities) Act and under Section 8 of The Protection of Children From Sexual Offence Act, whereby and whereunder prayer for regular bail made on behalf of the appellant has been rejected.

Allegation, as per the F.I.R., is that when the daughter



of the informant was sleeping on the roof, the appellant came there and started doing some wrong act.

It has been submitted on behalf of the appellant that the as per the F.I.R. itself, the appellant is aged about 58 years and he has been falsely implicated in this case as there is dispute of drainage between the parties and the appellant is in custody for about one year.

Heard learned Spl. P.P. also. The learned Special P.P. has opposed the prayer for bail by submitting that the victim has herself supported the prosecution case in her statement recorded under Section 164 Cr. P.C.

Having heard both sides and in view of the fact that the appellant is in custody for about one year and now, in this case charge has been framed, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to satisfaction of learned 1st Additional Sessions Judge, Patna, District Patna in connection with Special (POCSO) Case No. 62 of 2016, arising out of Phulwarisharif (Janipur) P.S. Case No. 267 of 2016, subject to the conditions that:

- (i) The bailors of the appellant should be his close relatives having sufficient



immovable properties within the jurisdiction of the concerned Court.

(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason and without permission of the court, the prosecution is free to move for cancellation of his bail.

Accordingly, instant appeal is allowed. The impugned order dated 9.11.2016 passed by the learned 1st Additional Sessions Judge, Patna in connection with Special (POCSO) Case No. 62/16 relating to Phulwarisharif (Janipur) P.S. Case No. 267/2016 is set aside.

(Vinod Kumar Sinha, J)

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