

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2045 of 2017

Arising Out of PS.Case No. -57 Year- 2015 Thana -KASHICHAK District- NAWADA

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1. Sita Ram Mishtri, S/o Lakha Mishtri, resident of Village- Mahrath, Police Station- Kashichak, District- Nawada.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Premchandra Yadav

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-09-2017 Heard the parties.

The appellant seeks pre arrest bail in connection with Kashichak P.S.Case No.57 of 2015 as POCSO 70 of 2015 registered for offences punishable under Sections 493, 313, 341, 323, 376, 506 and 34 of the Indian Penal Code and section 3(i)(x)(xii) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant is that he in collusion with the others has got the pregnancy of the informant miscarried.

Submission of the learned counsel for the appellant is that whatever the allegation is there that is against one Dhiraj Kumar only. A fake allegation has been alleged as he is father of the said Dhiraj Kumar.



Heard learned Special P.P. also.

Having considered both sides and in view of the submission, this appeal is allowed.

Let the appellant in the event of arrest or surrender before the court of Special Judge within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-Ist, Nawada who is now the Spl. Judge for SC/ST Act in connection with Kashichak P.S.Casae No.57 of 2015 as POCSO 70 of 2015, subject to conditions as laid down under Section 438 (2) of Cr.P.C. after setting aside the order dated 11.8.2015 passed by 1st Additional Sessions Judge-Ist, Nawada in A.B.P.No.709 of 2015/ 17 of 2015, subject to further conditions that appellant will co-operate in investigation of the case and will appear before the Investigating Officer as and when required, failing which his bail bond shall be liable to be cancelled.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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