

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3142 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -SC/ST BETTIAH District-
WESTCHAMPARAN(BETTIAH)

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Samsul Mian, S/o Late Raside Mian, R/o Village- Mehadiya, P.S.-
Chanpatiya, Dist- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 22-12-2017

Heard learned counsel for the appellant and the State.

The appellant has challenged the order dated 10.10.2017 passed by the learned Additional District and Sessions Judge I-cum-Special Judge, Bettiah, West Champaran in Bettiah SC and ST P.S. Case No. 36 of 2016, C.I.S. No. 62 of 2017 instituted for the offences punishable under Sections 448, 341, 323, 376 and 511 of the Indian Penal Code and under Sections 3(1)(R)(2)(VA) of the SC and ST (POA) Act, whereby his prayer for being released on bail has been rejected.

The allegation against the petitioner is of having entered the house of the prosecutrix and of making attempts to outrage her modesty. The prosecutrix could be saved, according to allegation, on the timely arrival of people.

Learned counsel for the appellant has submitted that the present case is nothing but a retaliatory step against a case



lodged by the wife of the appellant against the prosecutrix. It has further been submitted that because of water logging in front of the house of the prosecutrix, which was objected to by the appellant, the present case has been lodged.

Be that as it may, this Court has also been informed that finding the futility in continuing with the prosecution, the parties have settled their disputes and the prosecutrix does not now wish to prosecute the appellant any further. It appears that the provisions of SC/ST Act have unnecessarily been added in order to add serious colour to the case.

The appellant is in custody since 10.10.2017.

For the facts stated above, this Court deems it appropriate to set aside the order dated 10.10.2017.

In the facts and circumstances, the appellant above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran in connection with Bettiah SC and ST P.S. Case No. 36 of 2016, C.I.S. No. 62 of 2017.

(Ashutosh Kumar, J)

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