

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2635 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -KASHICHAK District- NAWADA

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Salim Sah @ Md. Salim Sah @ Md. Slaim Sah, son of Jamil Sah, resident
of village Bauri, P.S. Kashichak, District Nawada

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sunil Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-09-2017 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This appeal has been filed for grant of pre-arrest bail in connection with Kashichak P.S.Case No. 23 of 2017 for the offences punishable under Sections 341, 323, 376/511, 506/34 of the Indian Penal Code, Section 10 of POCSO Act and Section 1(w)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for setting aside the order dated 20.7.2017 passed by Additional Sessions Judge-I, Nawada.

Allegation as per FIR against one co-accused is of committing wrong with the daughter of informant and appellant was assisting him.

Submission of learned counsel for the appellant is that there is no allegation of attempting to commit rape against him,



rather he helped the co-accused and there is specific allegation of attempting to commit rape against the co-accused, as such, no case under SC/ST Act is made out against the appellant.

Learned Special P.P. has opposed the prayer for pre-arrest bail.

Having heard both sides and in view of facts and circumstances of the case, the appeal is allowed and the impugned order is set aside.

Let appellant, named above, surrender within a period of six weeks before the court of Special Judge and on his so surrendering, he shall 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 the satisfaction of Additional Sessions Judge-I, Nawada, in connection with Kashichak P.S. Case No.23 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that :-

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (2) Appellant will co-operate in investigation of the case and will appear before the



Investigating Officer as and when required
and on failure to appear without any
genuine reason, prosecution will be at
liberty to move for cancellation of his bail
bond.

(Vinod Kumar Sinha, J)

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