

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1577 of 2018

Arising Out of PS.Case No. -77 Year- 2018 Thana -BIHTA District- PATNA

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Sunil Kumar, son of Iqbal Mahto @ Ram Iqbal Singh, Resident of Village-
Dumari, P.S- Bihta, District- Patna.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-05-2018 Heard learned counsel for the Appellant and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned order dated 08.03.2018 passed by the learned **Additional Distt. & Sessions Judge-I-cum-Special Judge, POCSO, Patna, in Special Case No. 17 of 2018 arising out of Bihta P.S. Case no. 77 of 2018** registered for the offence under Sections 448, 354(c) of the Indian Penal Code and Section 3 (i) (r) of SC/ST Act, Section 37(B) of the Bihar Prohibition and Excise Act, 2016 and Sections 8/12 of POCSO Act, by which the prayer for anticipatory bail of the Appellants has been rejected.

It has been submitted that Appellant is in custody since 26.01.2018.



In the written report it is alleged that Appellant entered into the house of the informant and attempted to misbehave with her. It is further alleged that when the Appellant entered into the house of the informant, he was in drunken state.

The victim lady has given her statement under Section 164 Cr. P.C. wherein she has not alleged that the appellant was in drunken state when he had entered into her house. She has stated in her statement that Appellant had pressed her neck and mouth and assaulted her with fists and slaps.

It is mentioned in paragraph-3 of the Appeal that Appellant has no criminal antecedent.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order dated 8.3.2018 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, POCSO, Patna, in connection with Special Case No. 17 of 2018 arising out of Bihta P.S. Case No.77/18 is hereby set aside.

Let the Appellant above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional District and Sessions Judge-I-cum-Special Judge, POCSO, Patna, in connection with Special Case No. 17 of 2018, arising out of Bihta P.S. Case No. 77 of 2018** subject to the



condition that both the bailors will be the close relatives of the Appellant.

(Sanjay Priya, J)

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