

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1743 of 2018

Arising Out of PS.Case No. -182 Year- 2017 Thana -NARHAT District- NAWADA

=====

1. Pintu Kumar @ Deepak Sagar S/o Manoj Kumar, R/o Vill.- Pandedih, P.S.-
Sirdala, District- Nawada.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Man Mohan Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 10.01.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Nawada, in Special (POCSO) Case No. 39 of 2017, arising out of Narhat (Sitamarhi) Police Station Case No.182 of 2017, registered under Section 376D of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(1)(r)/3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This is the second attempt of the appellant for grant of regular bail. Appellant is in custody since 19.10.2017. The statement of the victim girl would reveal that she had voluntarily gone with co-



accused Rohit Kumar as she had some affairs with Rohit Kumar. She alleged that Rohit Kumar committed rape and the appellant and others sexually harassed.

Submission is that on the ground of consensual physical relation with Rohit Kumar. Rohit Kumar was already granted bail. Allegation of the appellant is on better footing and appellant has sufficiently been punished. Trial has not progressed at all.

Considering the entire facts especially the period already undergone by the appellant, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.08.2018
Transmission Date	13.08.2018

