

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1359 of 2018

Arising Out of PS.Case No. -151 Year- 2017 Thana -DIGHA District- PATNA

=====

1. Mohammad Shahanshah @ Mohammad Sansha @ Md. Sabib, S/o Late Khurshid Alam, resident of Mohalla- Bansh Kothi Gate No.- 97, Tenant in house of Md. Fakuruddin, Police Station- Digha, District- Patna Appellant/s

Versus

1. The State of Bihar. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Anirudh Pandey, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-09-2018

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 by order dated 18.01.2018 in Special Case No.96 of 2017 passed by the learned 1st Addl. District and Sessions Judge, Patna, in connection with Digha Police Station Case No.151 of 2017 registered under Sections 376/511 of the Indian Penal Code, Section 8 of POCSO Act and Section 3(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant is in custody since 15.06.2017. Allegation is that he attempted to commit rape against a girl of six years age.

Submission is that the case diary would reveal that statement of the victim was never recorded by the police



nor she was medically examined.

The report of the learned Trial Judge reveals that charges were framed in this case on 05.12.2017. However, no prosecution witness has turned up up-till-now.

Further submission is of false implication due to trivial dispute between the family of the two.

Considering the period already undergone and aforesaid stage of the trial, let the appellant, above named, who has got no criminal antecedent, 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2018
Transmission Date	05.09.2018

