

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1687 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- MAHILA P.S. District- Saharsa

Md. Anar, son of Md. Islam alias Islam, resident of village-Sulindabad, Ward No.6, P.S. Saharsa, District-Saharsa.

... .. Appellant.

Versus

The State Of Bihar

... .. Respondent.

Appearance :

For the Appellant	:	Mr. Chandra Mohan Jha, Advocate.
For the State	:	Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 14-06-2018

Heard learned counsel for the appellant and the learned A.P.P. for the State.

2. This appeal, filed on behalf of the appellant, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act, is directed against the order dated 23.03.2018, whereby the court of the Additional Sessions Judge-I-cum-Special Judge, Saharsa, refused the prayer of the appellant for grant of bail in connection with Saharsa Sadar Mahila P.S. Case No.7 of 2018 registered under Sections 448, 341, 354 and 354B/34 of the Indian Penal Code besides Section 8 of the POCSO Act and Sections 3(1)(r)(u)(w)(ii) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegation of the informant is that in the evening of 02.02.2018 at about 06.00 P.M., her minor daughter, aged about 14-15 years, was serving the fodder to the cattle at the door. At that time, Md. Mister, Md. Chhotu, Md. Sonu and this appellant, covering



the mouth of her daughter, started to carry her. On the alarm being raised by the daughter of the informant, the villagers rushed, then all started to flee away leaving behind her daughter. At that time, on chase, Md. Mister was apprehended by the villagers.

4. Learned counsel for the appellant submits that the village of the informant is situated adjacent to the village of the appellant. Further submission is that the appellant was not apprehended on the spot. In fact, there was love affair in between the daughter of the informant and Md. Mister but with an ulterior motive, the informant has also named the appellant in this case. The appellant is in custody since 13.02.2018.

5. Having regard to the facts and the circumstances of the case, this appeal is allowed and the impugned order is set aside. The appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge, Saharsa, in Saharsa Sadar Mahila P.S. Case No.7 of 2018.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
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