

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.640 of 2019**

Arising Out of PS. Case No.-43 Year-2018 Thana- BALRAMPUR District- Katihar

NUREJ ALAM Son of Mister Alam Resident of Village- Kadwa tole, P.S.-
Balrampur ,District-Katihar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Ziaul Quamar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT**

Date : 20-06-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 03.08.2018 passed by learned 1st Additional Sessions -cum- Special Judge, Katihar in connection with Balrampur P.S. Case No. 43 of 2018 registered under Sections 363, 366A/34 of the Indian Penal Code and Section 4 of POCSO Act and Section 3(x) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant submits that the appellant is innocent and has not committed any offence. In fact, the F.I.R. has been lodged after lapse of ten days from the date of occurrence without explaining the plausible



delay which creates doubt over the prosecution version. No specific case is made out against the appellant. Hence, the appellant may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions -cum- Special Judge, Katihar in connection with Balrmapur P.S. Case No. 43 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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