

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.977 of 2019

Arising Out of PS. Case No.-393 Year-2018 Thana- MINAPUR District- Muzaffarpur

UPENDRA RAI Son of Late Rambriksh Ray Resident of village- majhuar,
P.S.- Minapur, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Ranjan

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 15-04-2019

Heard the parties.

The appellant is apprehending his arrest in connection with Minapur P.S.case No393 of 2018, registered for offences punishable under Sections 376/34 of the Indian Penal Code, Sections 8 and 9 of POCSO Act and Section 3(XI)of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant as per the FIR is that while the minor daughter of the informant was returning from the shop, co-accused Nand Kishore Sahani and Dharmendra Kumar have committed rape upon her and for that they had gone for *Panchayati* but no *Panchayati* was held. The appellant is not named in the FIR and later on it appears that he has been named during the investigation stating that he has abused by taking caste name.

Submission of the learned counsel for the appellants is that he is father of Dharmendra Kumar and whatsoever the allegation is against the Dharmendra Kumar and another co-accused. He is not even named in the FIR and as he is father of co-



accused Dharmendra Kumar and the allegation has been made during the investigation that when the informant and others came for *Panchyati* he abused by caste name.

Heard learned Spl.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order 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 Addl. Sessions Judge cum Special Judge POCSO in connection with Minapur P.S.Case No.393 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid observation, this appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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