

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1565 of 2019**

Arising Out of PS. Case No.-91 Year-2018 Thana- BENIPATTI District- Madhubani

Shambhu Thakur Son of Vakil Thakur Resident of Samada, P.S.- Benipatti,
District - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 23-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 25.03.2019 passed by learned 1st Addl. Sessions Judge-
cum-Special Judge, SC/ST Act, Madhubani in Benipatti P.S.
Case No. 91 of 2018 registered under Sections 363, 342,
354(B), 307, 504 and 506/34 of the Indian Penal Code and later
on added Sections 366(A), 341, 323 of the Indian Penal Code,
Section 12 of POCSO Act and Section 3(i)(r)(w) 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.



Appellant along with co-accused, namely, Naresh Thakur are said to have lifted away the informant from her room to their house in the night and locking in the room appellant tried to commit rape against her, but on making hulla, villagers rushed there and saved her modesty.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in this case due to dirty village politics. The victim was not recovered from the house of the appellant and mother of the victim has also not stated about divulgence of the aforesaid occurrence to her by the victim and witnesses in the various paragraphs of the case diary have also stated that the victim has not divulged them about trying to outrage her modesty by the appellant in his house. Appellant has no criminal antecedent and has been languishing in custody since 06.02.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the



learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Madhubani in connection with Benipatti P.S. Case No. 91 of 2018.

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

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
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