

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2421 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- NARHATT District- Nawada

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Liti Baba @ Lakhi Sao @ Lakhi Ram S/o Late Bhupat Sao, R/o Vill.- Narhat,
P.S.- Narhat, District- Nawada. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi, W/o Rakesh Choudhary, R/o Vill.- Narhat, P.S.- Narhat, District- Nawadh.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Hansraj
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 23-01-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 16.04.2018 passed by the 1st Addl. Sessions Judge, Nawada in connection with Spl. (POCSO) Case No.11/18 arising out of Narhat P.S. Case No.38/18 registered under Section 376 of the Indian Penal Code, Section 4 of POCSO Act and Sections 3(1)(w), 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant is mother of the victim who in her written complaint has stated that on 2.2.2018 at about 1 p.m., her minor daughter who is five years old had gone to attend the call of nature and when she did not return even after lapse of much



time, she went in her search and saw that she was crying and her co-villager, Ram Baran Choudhary was chasing one Liti Baba and her daughter has stated that Liti Baba (appellant) has disrobed her and was committing bad act with her and Ram Baran uncle saw him and, thereafter, he fled away and was caught by informant and other villagers and handed over to the police.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The girl was medically examined on the next date and no injury on her body or private parts was found. No sign of any rape or sexual assault was also found.

It has been submitted on behalf of the appellant that he runs a Litti stall and due to some dispute with respect to money, he has been falsely implicated in this case. Appellant has no criminal antecedent and eye witness and informant have been examined during Trial who have denied any such occurrence. Victim has also not stated anything much objectionable against the appellant. Appellant is in custody since 04.03.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon



furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

Sanjay/-

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