

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2621 of 2019**

Arising Out of PS. Case No.-84 Year-2019 Thana- SAMASTIPUR District- Samastipur

Pushpraj Kumar Thakur @ Pushpraj Kumar Son of Praveen Kumar Thakur
Resident of Village- Ramnathpur Chhatauna, Police Station- Samastipur
Muffassil, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No 7
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

4 27-08-2019 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 of anticipatory bail vide order dated 27.05.2019 passed by learned 1st Addl. Sessions Judge, Samastipur in Samastipur Town P.S. Case No. 84 of 2019 registered under Sections 376, 511 of the Indian Penal Code, Section 8/10 of POCSO Act, and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant is said to have dragged niece of the informant into his house and tried to outrage her modesty, but



on arrival of the locals responding hulla made by her, he was apprehended. However, other accused persons named in the FIR get the aforesaid accused extricated from the custody of the informant and others.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, the informant and other witnesses whose statement have been recorded in the case diary, had assaulted the appellant making him captive in the house of Sunil Paswan on the date of occurrence. Regarding the said occurrence, due to not lodging the FIR by the P.S., father of the appellant had given information to the S.P. Samastipur vide speed post dated 18.04.2019, and in order to save his skin from the said case, the informant has lodged this false and frivolous case against the appellant. There is no independent witness of the occurrence. Appellant has no criminal antecedent. He happens to be student.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Samastipur in connection with Samastipur Town P.S. Case No. 84 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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