

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2738 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- GHOSWARI District- Patna

Arvind Kewat Son of Late Garbo Kewat, Resident of Village - Rampur, P.O.-
Samayagarh, P.S.- Ghoswari, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Narayan Singh
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 05-09-2019 Explanation submitted by the SSP, Patna is
accepted.

Case diary as called for has already been received.

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 17.05.2019 passed by learned Addl. Sessions Judge-VIII-
cum-Special Judge, SC/ST, Patna in Ghoswari P.S. Case No. 17
of 2019 registered under Sections 448, 341, 323, 504, 506,
354(B) of the Indian Penal Code, Section 3(i)(r)(w) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act and Section 8 of POCSO Act.



Appellant is said to have tried to outrage the modesty of the informant intruding into her house by shoving her on the bed and grappling her boobs. But on hulla made by the informant, he managed to escape slating her in the name of her caste.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He happens to be Up-Mukhiya of the village and due to political rivalry and animosity, he has been falsely implicated in this case. Had the appellant intended to outrage the modesty of the informant, he would have executed his intention as the informant was alone in the house but nothing happened so. Said aspect of the case creates serious doubt about the prosecution case. Though, several witnesses in the case diary have stated that the appellant is in habit of outraging the modesty of the village girls, but no case against him in this regard has been lodged earlier by anyone. Appellant has been languishing in custody since 24.03.2019, hence, he may be enlarged on bail.

Per contra, learned counsel for the informant and learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that the appellant intruding into the house of the informant tried to outrage her modesty, but failed to achieve



his goal on the alarm made by the informant and appellant is also in habit of doing such misdeed with the village girls, hence, he does not deserve bail.

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 Addl. Sessions Judge-VIII-cum-Special Judge, SC/ST Act, Patna in connection with Ghoswari P.S. Case No. 17 of 2019 with condition that appellant shall extend all sorts of cooperation in concluding the trial by appearing before the learned court below on each and every date fixed, and on failure of two consecutive dates without genuine reason, his bail bond shall stand cancelled.

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

(Prakash Chandra Jaiswal, J)

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