

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3230 of 2019

Arising Out of PS. Case No.-208 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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Akhilesh Bishwas @ Akhilesh Kumar @ Guggu Son of Late Hardev Vishwas
Resident of Village - Kohbara, P.S.- K. Nagar (Champa Nagar), Distt -
Purnea.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. N.K. Agarwal, Sr. Adv.
Dr. Bidhu Ranjan

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

ORAL ORDER

3 05-09-2019 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 28.06.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Purnea in K. Nagar
(Champa Nagar) P.S. Case No. 208 of 2019 registered under
Sections 354(B) of the Indian Penal Code and Section 3(w)(i)
(ii) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.

Appellant made sexual advance to the informant,



who happens to be cook of the school and tried to molest her on 07.06.2019. She anyhow escaped and made complain with the Principal of the school, but in vain. On 12.06.2019, while she was cooking in the kitchen of the school, appellant again tried to misbehave with her, whereupon she hurled hot water upon him.

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 has flung hot water upon the appellant on allegedly taking favour of another cook, namely, Lakhan Paswan by him, resultantly, appellant was badly injured and he was admitted in the Sadar Hospital, Purnea, where his fardbeyan was recorded on 12.06.2019 at 10:45 PM, and in order to save her skin from the said case, the informant has lodged this case with altogether wrong and concocted allegation against him. Albeit, the appellant tried to outrage the modesty of the informant on 07.06.2019 but informant has not lodged any case against him regarding the said occurrence, which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

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 cum Special Judge, SC/ST Act, Purnea in connection with K. Nagar (Champa Nagar) P.S. Case No. 208 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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