

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3540 of 2019**

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA PS District- Buxar

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UTTAM KOERI Son of Late Adalat Mahto Resident of Village- Baladeva
P.S.- Itarhi, District- Buxar.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

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Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 26-08-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 25.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Buxar in connection with Buxar Mahila P.S. Case No.23 of 2019 registered under Section 376/34 of the Indian Penal Code, Section 4 of the POCSO Act and Section 3(1) (r) (s) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Son of the appellant, namely, Pusha Koeri is said



to have established sexual cohabitation with the informant on the pretext of performing marriage with her and also performed marriage with her and kept her at the house of his sister and when the informant became pregnant he slating her dropped her in the maternal house. When the informant along with her parents approached his parents, they slated them in the name of caste and made them to leave the house.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case merely because he happens to be father of Pusha Koeri. The allegation levelled against the appellant is not specific rather general and omnibus in nature. The slating is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has been languishing in custody since 16.06.2019.

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 released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned 1st Additional Sessions Judge cum Special Judge,
Buxar in connection with Buxar Mahila P.S. Case No.23 of
2019, POCSO Case No.20 of 2019.

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

(Prakash Chandra Jaiswal, J)

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