

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.728 of 2020

Arising Out of PS. Case No.-83 Year-2018 Thana- MAHILA PS District- Darbhanga

QUAISER AZAM @ QUAISER S/o Late Zakir @ Md Zakir Hussain R/o
village- Sekhpura, P.S.- Biraul, District- Darbhanga

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Puja Kumari D/o Dinesh Paswan R/o village- Athlar, P.S.- Badgaon,
District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Shahnawaz Ali

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-06-2020 Heard learned counsel for the parties.

This appeal has been preferred under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act') putting to challenge an order dated 26.10.2019 passed by learned First Additional Sessions Judge-cum-Special Judge POCSO Act, Darbhanga in connection with Darbhanga Mahila P.S. Case No. 83 of 2018 for the offences punishable under Section 376G of the Indian Penal Code, Sections 4/6 of the POCSO Act and Sections 3(2) (w) (v) of the Act.

Learned Counsel appearing on behalf of the appellant has submitted that co-accused Raj Kishore Yadav has been



allowed bail under the orders of this Court dated 12.03.2019 passed in Criminal Appeal (SJ) No. 292 of 2019. He has contended that allegation against both the persons named in the First Information Report are identical and there is nothing to distinguish the allegation made against the said two persons named in the First Information Report. He has further argued, which fact has been noted in the order of this Court dated 12.03.2019 that the Medical Board upon examination had not found any sign of rape. The appellant is in custody since 19.09.2019.

Considering the submission that similarly circumstanced co-accused Raj Kishore Yadav has been directed to be released on bail under the orders of this Court as noted above, this appeal is allowed.

The order dated 26.10.2019 passed by the learned First Additional Sessions Judge-cum-Special Judge, POCSO Act, Darbhanga in Darbhanga Mahila P.S. Case No. 83 of 2018 is set aside.

This appeal is allowed.

Let the appellant above-named be released 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



First Additional Sessions Judge-cum-Special Judge, POCSO
Act, Darbhanga in Darbhanga Mahila P.S. Case No. 83 of 2018.

(Chakradhari Sharan Singh, J)

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