

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.729 of 2020

Arising Out of PS. Case No.-353 Year-2019 Thana- SHIVSAGAR District- Rohtas

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BHAIYA RAM @ BHAIYA RAM KUMAR Son of Awadhesh Ram Paswan
@ Awadhesh Paswan Resident of Village- Durgapur, P.S.- Sasaram, District-
Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sada Nand Roy
For the Respondent/s : Ms.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-06-2020 Heard counsel for the appellant and counsel for the
State.

The present memo of appeal has been filed for setting
aside the order dated 10.01.2020 passed by learned Additional
Sessions Judge Ist, Rohtas in **POCSO Case No. 93 of 2019,**
arising out of Sheosagar P.S. Case No. 353 of 2019 registered
under Sections 302, 376(D) and 120 of the Indian Penal Code
and sections 3(ii)(v)(s), 3(i)(w)(ii) of the SC/ST Act and section
4/8 of the POCSO Act.

The informant alleged that on 18.10.2019 at 12.30
p.m. after committing gang rape, the accused persons committed
murder of the minor daughter of the informant by sharp cutting
weapon at the house of informant.



It is submitted on behalf of the appellant that FIR is against unknown. The FIR has been lodged after delay of two days. During course of investigation, name of this petitioner has come on the basis of suspicion. There is no eye-witness of the occurrence. Save and except suspicion, there is no material against this appellant. Moreover, the petitioner also belongs to the SC/ST Caste. The appellant is in custody since 25.10.2019.

In the facts and circumstances of the case, the order dated 10.01.2020 passed by learned Additional Sessions Judge Ist, Rohtas in POCSO Case No. 93 of 2019, arising out of Sheosagar P.S. Case No. 353 of 2019 is hereby set aside. The appeal is allowed.

In view of the aforesaid facts, let the appellant 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 **Additional Sessions Judge Ist, Rohtas** in connection with **POCSO Case NO. 93 of 2019, arising out of Sheosagar P.S. Case No. 353 of 2019.**

(Prabhat Kumar Singh, J)

vinita/-

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