

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.897 of 2020

Arising Out of PS. Case No.-14 Year-2017 Thana- MAHILA P.S. District- Araria

MD. SADAKAT @ SADAKAT Son of Late Amin Resident of Village -
Pokhariya Koch Gowan, P.S.- Araria, District - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Najmul Hodda
For the Respondent/s : Mr.Sujit Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the appellant and learned
counsel for the State.

The present appeal has been preferred by the
appellant against the order dated 16.04.2019 passed by learned
1st Addl. Sessions-cum- Special Judge, Araria in Spl. (Child)
Case No. 03 of 2019 (arising out of Araria (Mahila) P.S. Case
No. 14 of 2017 registered under section 376 of the Indian
Penal Code and 3 and 4 of POCSO Act by which learned 1st
Addl. Sessions-cum- Special Judge, Araria has rejected the
prayer of the appellant for grant of bail.



The prosecution allegation, in brief is that the accused-appellant committed rape on the victim on the point of knife and fled away..

It has been submitted on behalf of the appellant that the appellant is in custody since 4.7.2018 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The medical examination report of the victim does not support the allegations made in the F.I.R.. The age of the victim is assessed to be 17-18 years and there is no conclusive finding on the point of commission of rape upon the victim. No dead or alive spermatozoa was found. At best, it is said to be a mala fide prosecution. Due to previous enmity, the appellant has been made accused in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 16.04.2019 passed by learned 1st Addl. Sessions-cum- Special Judge, Araria in Spl. (Child) Case No. 03 of 2019 (arising out of Araria (Mahila) P.S. Case No. 14 of 2017, is set aside.

The appeal is allowed.



Let the appellant, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 1st Addl. Sessions-cum- Special Judge, Araria in connection with Spl. (Child) Case No. 03 of 2019 (arising out of Araria (Mahila) P.S. Case No. 14 of 2017.

(Sudhir Singh, J)

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