

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1174 of 2020**

Arising Out of PS. Case No.-185 Year-2019 Thana- NASRIGANJ District- Rohtas

JAYNATH PATHAK @ JAY MANGAL PATHAK S/o Late Chandeshwar
Pathak R/o village- Tarawn, P.S.- Nasriganj, District- Rohtas at Sasaram

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Ms.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-06-2020 Heard the learned counsel for the appellant and M/s
Usha Kumari-1, the learned Spl.P.P. for the State.

The present appeal is directed against the order dated 25.02.2020, passed in Nasriganj PS case no. 185 of 2019 registered for the offences punishable under Sections 341, 323, 354B, 379, 427, 506, 504 of Indian Penal Code, Section 8 of POCSO Act and Sections 3(l)(r)(s)(3)(ii)(v)(a) of SC/ST (Prevention of Atrocities) Act, whereby and whereunder the regular bail of the appellant has been rejected by learned 1st Additional District & Sessions Judge, Rohtas at Sasaram.

The allegation of the prosecution is regarding the appellant having molested and founded the victim girl when she had gone to the house of the appellant for the purposes of taking tuition.



The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 14.11.2019. It is further submitted that FIR has been filed belatedly, inasmuch as the occurrence is alleged to have taken place on 08.08.2019 but the FIR has been lodged only on 27.08.2019. It is further submitted that though the appellant is imparting tuition to various students since a long time, however till date, no such allegation has ever been levelled by anyone, however in the present case since dispute had arisen in between the informant and the appellant with regard to payment of tuition fees, the informant of this case, with vengeance, has lodged the present case. It is further submitted that since the petitioner is languishing in custody w.e.f. 14.11.2019, hence he deserves to be granted the privilege of regular bail.

Per contra, the learned Spl.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the appellant as also taking into account the fact that the appellant is languishing in custody since 14.11.2019, I deem it



fit and proper to direct for release of the appellant on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Rohtas at Sasaram in connection with Nasriganj PS case no. 185 of 2019.

Accordingly, the order dated 25.02.2020, passed in connection with Nasriganj PS case no. 185 of 2019, by the learned 1st Additional District & Sessions Judge, Rohtas at Sasaram is set aside.

The appeal stands allowed.

Heard the learned counsel for the appellant and M/s Usha Kumari-1, the learned Spl.P.P. for the State.

The present appeal is directed against the order dated 25.02.2020, passed in Nasriganj PS case no. 185 of 2019 registered for the offences punishable under Sections 341, 323, 354B, 379, 427, 506, 504 of Indian Penal Code, Section 8 of POCSO Act and Sections 3(l)(r)(s)(3)(ii)(v)(a) of SC/ST (Prevention of Atrocities) Act, whereby and whereunder the regular bail of the appellant has been rejected by learned 1st Additional District & Sessions Judge, Rohtas at Sasaram.

The allegation of the prosecution is regarding the appellant having molested and foundled the victim girl when



she had gone to the house of the appellant for the purposes of taking tuition.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 14.11.2019. It is further submitted that FIR has been filed belatedly, inasmuch as the occurrence is alleged to have taken place on 08.08.2019 but the FIR has been lodged only on 27.08.2019. It is further submitted that though the appellant is imparting tuition to various students since a long time, however till date, no such allegation has ever been levelled by anyone, however in the present case since dispute had arisen in between the informant and the appellant with regard to payment of tuition fees, the informant of this case, with vengeance, lodged the present case. It is further submitted that since the petitioner is languishing in custody w.e.f. 14.11.2019, hence deserves to be granted the privilege of regular bail.

Per contra, the learned Spl.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the appellant as also taking into account the fact that the appellant is languishing in custody since 14.11.2019, I deem it fit and proper to direct for release of the appellant on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Rohtas at Sasaram in connection with Nasriganj PS case no. 185 of 2019.

Accordingly, the order dated 25.02.2020, passed in connection with Nasriganj PS case no. 185 of 2019, by the learned 1st Additional District & Sessions Judge, Rohtas at Sasaram is set aside.

The appeal stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

