

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1524 of 2020

Arising Out of PS. Case No.-148 Year-2018 Thana- BHAWANIPUR District- Purnia

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Anil Chaudhary Son of Awadhesh Chaudhary Resident of Village- Sapaha,
P.S.- Tikapatti, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh

For the Respondent/s : Mr.Special P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-10-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

Earlier, the prayer for grant of bail of appellant and one co-accused Dilkhush Kumar was rejected by this Court, vide order dated 26-08-2019 passed in Cr.Appeal (SJ) No. 2412 of 2019. Thereafter, the appellant and co-accused again prayed for regular bail before the learned court below and the learned court below, vide its order dated 21-01-2020 passed in SC/ST Case No. 130 of 2018 {arising out of Bhawanipur (Balua O.P.) P.S. Case No. 148 of 2018}, rejected their bail application, which has been assailed by the appellant by way of filing the present appeal.

Learned counsel for the appellant submits that during course of trial, the victim was examined as P.W.2 and she, in her



cross-examination, disclosed that since there was dark night, she could not identify any of the accused and named the appellant in the F.I.R. on mere speculation. It is further submitted that co-accused Dilkhush Kumar has already been granted bail by this Court, vide order dated 23-06-2020 passed in Cr.Appeal (SJ) No. 774 of 2020. The appellant is in custody since 16-02-2019.

Considering the aforesaid facts and circumstances, this appeal is allowed and order impugned is, hereby, set aside. Let the appellant, as named above, 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 learned learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Purnea in connection with SC/ST Case No. 130 of 2018 {arising out of Bhawanipur (Balua O.P.) P.S. Case No. 138 of 2018}.

(Prabhat Kumar Singh, J.)

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