

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No. 1390 of 2020

Arising Out of PS. Case No.- 63, Year-2019 Thana- Mahila, District-Muzaffarpur

=====

Abhishek Kumar (Male), aged about 19 years, S/o Ashok Rai @
Ashok Kumar, R/o village-Muchhua (Koili Machhua), P.S.Minapur,
District : Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Appellant/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Binay Krishna, Spl.PP

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2. 07-09-2020

Heard.

This criminal appeal is filed for setting aside the order date 30.05.2020 passed by the learned 1st Additional Sessions Judge-cum-Spl. Judge, POCSO Act, Muzaffarpur passed in connection with Muzaffarpur Mahile P.S. Case No. 63 of 2019 registered for the offences punishable under Sections 376D, 341 and 323 of the Indian Penal Code and 4/6 of POCSO Act.

Learned counsel for the appellant submits that the Appellant is innocent has been falsely implicated in this case. Initially, the appellant was not named in the first information report. Subsequently, the name of the appellant



and others have been added for the offence under Section SC/ST Act. Only on the basis of the confessional statement of co-accused, he has been made accused in this case. There is no medical report in the present case. Till now, the appellant has not been put on test identification parade. Further submission is that the appellant is in custody since 30-03-2020, having no criminal antecedent.

Having considered the above facts and circumstances of the case and submissions advanced on behalf of the parties, 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 1st Additional Sessions Judge-cum-Spl. Judge, POCSO Act, Muzaffarpur in connection with Muzaffarpur Mahile P.S. Case No. 63 of 2019.

Accordingly, the impugned order dated 30.05.2020 is set aside.

(Arvind Srivastava, J)

Shailendra/-

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

Note: This is certified to be the true typed copy of the original order.

