

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1536 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- MAHILA PS District- East Champaran

Mithu Patel Son of Kailash Patel @ Kailash Raut Resident of Village -
Bahurupiya, Police Station - Sugauli, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 24-11-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed for setting aside the order dated 22-06-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, East Champaran at Motihari in Mahila P.S. Case No. 42 of 2019 registered for the offence punishable under Sections 341, 323, 342, 504, 354, 454A, 448/34 of the Indian Penal Code, Section 3(i)(r)(s) of SC/ST Act and Sections 8/12 of POCSO Act, whereby the prayer for bail of appellant was rejected.

As per the prosecution case, on 23-07-2019 at 7:00 PM, the informant had gone for natural call and her two daughters were in the house, in the meantime, this appellant is alleged to have entered into the house and attempted to commit



rape with informant's daughter.

It is submitted on behalf of appellant that appellant is labour of the informant's husband and in order to grab his wages, this present false case has been lodged against appellant. It is further submitted that during course of investigation, only material has come against this appellant that he was seen fleeing away from the house of the informant. The victim has not been medically examined and there is no material to show complicity of the appellant. It is also submitted that no case under the SC/ST Act is made out against the appellant and appellant is in custody since 24-02-2020, having no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances, the appeal is allowed and the impugned order dated 22-06-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, East Champaran at Motihari in Mahila P.S. Case No. 42 of 2019 is set aside.

Accordingly, let the appellant, as named above, 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 learned A.D.J.-I cum Special Judge, SC/ST Act, East Champaran at Motihari in connection with Mahila P.S.



Case No. 42 of 2019.

(Prabhat Kumar Singh, J.)

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