

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4918 of 2019**

Arising Out of PS. Case No.-76 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

SRI RAM SINGH, Son of Late Bharat Singh @ Chulhai Singh, Resident of
Village- Baiyna (Wayna), P.S- Runni Saidpur, District- Sitamarhi.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr.Sunil Kumar, Advocate.
For the Respondent : Mr.Sadanand Paswan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

4 22-05-2020 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 parties.

The matter relates to grant of bail to the appellant in
connection with Runnisaidpur P.S. Case No. 76 of 2019, Trial
No. 182 of 2019 registered for the offences under Sections 376
of the I.P.C., 4/6 of the POCSO Act and 3 (i)(w)(ii) and Section
3 (2)(v) of the SC/ST Act.

The prosecution case, in short, is that on 26.02.2019
at 8.00 A.M. the minor daughter of the informant, left the house
to play in the orchard alongwith her brother where the appellant
tried to outrage her modesty. The victim started crying



whereafter the appellant fled away.

It has been submitted on behalf of the appellant that the appellant is in custody since 27.02.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the appellant. Accepting the allegation, no offence under Section 376 of the I.P.C. is made out. The alleged occurrence has not taken place in a public view. The informant happens to be the labourer of one Shyam Sunder Singh. There is a partition suit pending between the appellant and the said Shyam Sunder Singh. Charge has already been framed in this case. There is no chance of trial being concluded in near future. The appellant has remained in custody for more than one year. Learned counsel for the appellant further undertakes that the appellant shall co-operate during the trial.

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

In view of the aforesaid facts and circumstances, the order dated 17.08.2019 passed by learned Additional District & Sessions Judge-I-cum-Special Judge (POCSO Act), Sitamarhi in connection with Runnisaidpur P.S. Case No. 76 of 2019, Trial No. 182 of 2019 is set aside. The criminal appeal is allowed.



Considering the facts and circumstances of the case and also the lockdown, the appellant, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge (POCSO Act), Sitamarhi in connection with Runnisaidpur P.S. Case No. 76 of 2019, Trial No. 182 of 2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

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

