

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5655 of 2019

Arising Out of PS. Case No.-183 Year-2019 Thana- PURAINI District- Madhepura

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BHIKARI @ BHISHM SHARMA @ BHISHAM KUMAR S/o Parmanand
Sharma R/o village- Kelabari Rasalpur Dhuriya Kalasan, P.S.- Chousa,
District- Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Praveen Kumar Agrawal
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 23-01-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for anticipatory bail
vide order dated 21.11.2019 passed by learned Addl. Sessions
Judge-I-cum-Special Judge, Madhepura in connection with
Puraini P.S. Case No. 183 of 2019, registered under Sections
341, 323, 354(A), 504, 506 and 379 of the Indian Penal Code,
Section 3(r)(s) of the SC/ST Act and Section 8 and 12 of
POCSO Act.

Accusation is that while daughter of informant,
aged about 15 years, was returning after cutting the grass, in the
way, petitioner, seeing her alone, tried to carry her in the field



on which she made protest and scuffle took place. At that time petitioner snatched chain and torn her clothes. On raising alarm by the daughter of the informant, nearby people reached there then petitioner fled away.

Learned counsel appearing on behalf of appellant submits that, in fact, Girdhari Paswan and Uchit Paswan sold the land to Shikha Devi, mother of Vishwajeet Kumar Singh and on death of his mother, Vishwajeet Kumar Singh sold the same land covering the aforesaid land to the mother of the petitioner and petitioner came in possession then Chandan Devi, wife of Uchit Paswan filed an application in Janta Darbar from where notice was received to the petitioner to file their response on 01.11.2019 by Officer-in-Charge Puraini Police Station and, thereafter, only to give undue pressure, the informant lodged the present case.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I, Madhepura in connection with Puraini P.S.



Case No. 183 of 2019, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Rajendra Kumar Mishra, J)

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