

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1021 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- ROHTAS District- Rohtas

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MITHILESH SINGH @ MITHLESH SINGH Son of Late Kameshwar Singh
@ Golai Singh Resident of Village - Pipra Bagaahi, Tola Kataha, P.S.-
Kutumba, District - Aurangabad (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Birendra Kumar Singh
For the Respondent/s : Ms.Usha Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-04-2021 Heard learned counsel for the appellant and learned APP
for the State through virtual mode.

This is an appeal under section 14(A)(2) of the Harijan
Atrocities Act, against the refusal of prayer for bail vide order
dated 10.11.2020 passed by learned Additional District and
Sessions Judge VII in POCSO Case No.47 of 2020 arising out
of Rohtas P.S. Case No.124/2020 registered under sections
366(A)/34, 365, 370(H), 376(DA), 120B/34 IPC, section 4(2) 6
POCSO Act and section 3(2)(v) of SC/ ST Act.

It is alleged that daughter of the informant was taken
away by some accused persons and police during investigation
recovered the girl and found that she was raped by several
persons including the appellant.



It is submitted by learned counsel for the appellant that the appellant is not named in the F.I.R and merely on suspicion has been falsely implicated in this. He is innocent and has not committed any offence. During investigation, the name of petitioner transpired in the case as to the person in whose house the victim has stayed. The statement of the victim was recorded u/s 164 of the Cr.PC, where victim has not taken the name of the appellant. The appellant has no criminal antecedent and has been languishing in custody since 24.7.2020.

Learned APP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ VII cum Special Judge (SC/ST POCSO), Rohtas at Sasaram in connection with POCSO Case No.47/2020 arising out of Rohtas P.S. Case No.124 of 2020.

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

(Anjani Kumar Sharan, J)

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