

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.2278 of 2021**

Arising Out of PS. Case No.-78 Year-2020 Thana- PIPRA District- Supaul

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SHASHANK SHEKHAR SINGH @ SHASHANK SHEKHAR @ MANNU
SINGH @ MUNNA SINGH Son of Suresh Prasad Singh, Resident of Village
- Jarauli, Ward No.- 17, P.S.- Pipra, District - Supaul.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Abhay Shankar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-06-2021 Learned counsel for the appellant undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned Spl.
P.P. for the State.

The appellant in the present case is seeking to set aside the order dated 18.01.2021 passed by learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO, Supaul in connection with POCSO Case No. 16 of 2020 arising out of Pipra P.S. Case No. 78 of 2020 registered for the offences punishable under Sections 341, 342, 323, 324, 354(B), 379, 504 and 506 of the Indian Penal Code read with Section 3(1) r/s/w (i) (ii) of the SC/ST (POA) Act and Section 8/12 of the POCSO Act, 2012 whereby and whereunder the prayer for regular bail of the



appellant had been rejected.

Learned counsel for the appellant submits that as per the prosecution story this appellant being the co-villager of the informant went to his house and assaulted her daughter, she was pulled down and the appellant started stretching her clothes. On this the wife of the informant came there and saved her daughter. It is alleged that, thereafter the appellant started beating wife of the informant who also fell down. The appellant allegedly assaulted her by a dabia and she suffered a leg injury. It is alleged that the appellant left the place after snatching chain from the wife of the informant and threatened him. Learned counsel submits that reason for the alleged occurrence lies in annexure '3' from which it would appear that the informant had certain grievance against some co-villagers as he alleged that a she-goat was stolen by them and they have not fulfilled their promise to make available another she-goat.

Learned counsel further submits that the injury reports which are enclosed with the petition would show that the daughter of the informant has not suffered any injury and the informant as well as his wife have suffered simple injury allegedly caused by hard and blunt substance. It is submitted that all injuries are simple in nature and the appellant has remained in jail in connection with this case for almost six months, investigation in the case is over



and at this stage the trial is not likely to take place in near future.

Ms. Usha Kumari, learned Spl. P.P. for the State has opposed the prayer for regular bail of the appellant, however, considering the facts and circumstances of the case wherein this Court has noticed that the allegation against the appellant is that of indulging in scuffle with the informant and his family, however, only simple injury on the body of the informant and his wife have been noticed, there is no injury on the body of the daughter of the informant and the appellant has remained in jail for about six months, investigation being complete but the trial is not likely to take place in near future as also that in cases stated in paragraph '3', the appellant is on bail in three cases and his prayer for bail is pending in other two cases, so far as present case is concerned, the impugned order is set aside and the appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO, Supaul in connection with POCSO Case No. 16 of 2020 arising out of Pipra P.S. Case No. 78 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

