

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2693 of 2021**

Arising Out of PS. Case No.-502 Year-2020 Thana- HILSA District- Nalanda

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1. BHUSHAN KUMAR Son of Kapil Yadav Resident of Village - Bhatbigha, P.S.- Hilsa, District - Nalanda.
 2. Sanjeet Kumar Son of Rajendra Maharaj Resident of Village - Bhatbigha, P.S.- Hilsa, District - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 23-06-2021 Heard learned counsel for the appellants and learned
Spl. PP for the State through video conferencing.

The appellants have filed the instant appeal against the order dated 15.3.2021 passed in G.R. no. 566 of 2020 by the learned 7th Additional Sessions Judge-cum-Special Judge POCSO, Biharsharif, Nalanda whereby the prayer for bail of the appellant in connection with Hilsa P.S. Case no. 502 of 2020 registered under sections 354A, 354B, 354D, 506 and 34 of the Indian Penal Code, sections 8 and 12 of the POCSO Act and section 9(1) (r)(w) of the SC & ST (POA) Act was rejected.

As per allegation in the FIR, it is stated by the informant that his minor daughter informed him that the appellants herein misbehaved with her, abused her and caught her hand while she was returning from the coaching classes. On hulla being raised they went away threatening.



It is submitted by learned counsel for the appellants that the allegations as alleged in the FIR are false and concocted. No occurrence as alleged has taken place. No independent witness has supported the allegations against the appellants. The appellants are in custody since 1.3.2021 and investigation in the case has concluded. They have no criminal antecedent.

The appeal is opposed by learned Spl. PP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegations and the period in custody, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 15.3.2021 passed in G.R. no. 566 of 2020 by the learned 7th Additional Sessions Judge-cum-Special Judge POCSO, Biharsharif, Nalanda is set aside

The appellants are directed to be enlarged on bail in connection with Hilsa P.S. Case No. 502 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Biharsharif, Nalanda.

(Partha Sarthy, J)

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