

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2846 of 2021

Arising Out of PS. Case No.-91 Year-2018 Thana- BENIPATTI District- Madhubani

Naresh Thakur, S/O Rambriksh Thakur, R/O Village-Samda, P.S-Benipatti,
District-Madhubani

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gagan Deo Yadav, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2021 The matter has been listed today for consideration
through video conferencing.

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

The appellant has preferred the present appeal under
Section 14A of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of his
prayer for regular bail, vide order dated 13.04.2021 passed in
G.R.No.362 of 2018 by learned 7th Additional Sessions Judge-
Cum-Special Judge, POCSO Act, Madhubani, in connection
with Benipatti P.S. Case No.91 of 2018 instituted for the offence
under Sections 363, 342, 354(B), 307, 504, 506, 34 of the I.P.C.,
later on added Section 366(a) of the I.P.C. and Section 3(i)(r)
(w)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act and



Section 12 of the POCSO Act and also for setting aside the aforesaid order dated 13.04.2021.

The prosecution case of the informant is that the appellant along with co-accused Shambhu Thakur has lifted her from her room and taken her to their house and locked her in a room. Co-accused Shambhu Thakur has attempted rape and she has been rescued by local persons when she raised alarm.

Counsel for the appellant submits that the appellant has falsely been implicated as an accomplice to the lifting. Even as per the FIR, the allegation of attempted rape is attributed to Shambhu Thakur. The said Shambhu Thakur has been granted bail under order dated 23.05.2019 passed in Cr.Appeal(SJ) No.1565 of 2019. The appellant is stated to be a man of clean antecedents and is in custody since 05.04.2021.

Learned Special P.P. has opposed the prayer for bail. However, he is not in a position to controvert the submission based on the order granting bail to the co-accused.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned 7th Additional District & Sessions Judge-Cum-Special Judge, POCSO Act, Madhubani, in connection with Benipatti P.S. Case No.91 of 2018, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.
- (ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In the result, the appeal is allowed and the impugned order dated 13.04.2021 is set aside.

(Madhuresh Prasad, J)

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