

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2085 of 2020**

Arising Out of PS. Case No.-1 Year-2020 Thana- MAHILA P.S. District- Samastipur

SHIV NATH RAY @ VISHWANATH ROY S/o Ajab Roy Resident of
Village-Meyari, P.S.-Sarairanjan, District-Samastipur.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1
For the Respondent/s : A.P.P.

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

ORAL ORDER

2 20-02-2021 As prayed for, let the learned counsel appearing for
the appellant remove the defect(s), as pointed out by the office
vide its notes dated 15.12.2020, within four weeks of starting of
Court proceeding in physical mode.

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

The present appeal has been preferred on behalf of
the appellant for setting aside the order dated 01.07.2020
passed by learned Additional Sessions Judge-I, Samastipur,
whereby the appellant's prayer for bail, in connection with
Samastipur (Mahila) P.S. Case No. 01 of 2020, registered for the
offences punishable under Section 354(B) of the Indian Penal
Code, Section 3(1)(r)(1)(s)/3 (1)(w) of the SC/ST (Prevention of
Atrocities) Act and Section 10 of the Protection of Children



from Sexual Offence Act, 2012, has been rejected.

Accusation is that in the noon of 12.12.2019, daughter of informant aged about 12 years along with her brother aged about six months were coming from house of Rakesh Sada to her house and when she reached in front of house of Shiv Nath Ray (Appellant) then appellant Shiv Nath Ray took her in a room and tried to commit rape by unfolding her clothes, when she raised hulla on which sister-in-law of informant reached there and carried her along with six months baby at house. Thereafter, informant came from the field and went to approach Mukhiyajee from where she went to Saraiganj Police Station, but she was advised to go to Samastipur Mahila Police Station.

Learned counsel appearing on behalf of appellant submits that while occurrence is of 12.12.2019, but the F.I.R. has been lodged on 04.01.2020 after 22 days of the occurrence. Further submission is that, in fact, appellant, who is co-villager of the informant has falsely been implicated in this case due to dirty village politics and the appellant is in custody since 05.06.2020.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail 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, Samastipur in connection with Samastipur (Mahila) P.S. Case No. 01 of 2020.

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

(Rajendra Kumar Mishra, J)

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