

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1750 of 2020**

Arising Out of PS. Case No.-337 Year-2019 Thana- KATEYA District- Gopalganj

SHAHABUDDIN ANSARI @ SAHABUDDIN ANSARI Son of Gobari  
Ansari @ Gobari Miyan Resident of Village - Mishrauli, P.S. - Kateya,  
District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Mohammad Sufyan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

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

3      06-01-2021                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 19.6.2020 passed by the learned 1st Additional Sessions Judge, Gopalganj in Kateya P.S. Case no. 337 of 2019 registered under sections 341, 323, 354B and 34 of the Indian Penal Code and sections 3(1)(r)(w) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, it is stated by the informant that the four named accused persons including the appellant herein abused the minor daughter of the informant, beat her up and pulled her dupatta. They made a video of the misbehavior and made it viral.

It is submitted by learned counsel for the appellant that



while the occurrence is alleged to have taken place on 5.10.2019, the FIR was registered after a delay of 3 days without any explanation. It is further submitted that there is case and counter case between the parties. No offence under the POCSO Act is made out for the offence alleged. The appellant is in custody since 16.3.2020 and has no criminal antecedent.

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

Having heard learned counsel for the parties and in the facts and circumstances of the case including the delay in lodging of the FIR and the appellant being in custody since 16.3.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 19.6.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Kateya P.S. Case no. 337 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1<sup>st</sup>, Gopalganj.

**(Partha Sarthy, J)**

Prakash/-

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