

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2095 of 2020**

Arising Out of PS. Case No.-58 Year-2019 Thana- MAHILA PS District- Jehanabad

TETAR MANJHI Son of Shanichar Manjhi Resident of Village - Durgapur,
P.S.- Hulasganj, District - Jehanabad.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Paras Nath, Advocate
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 15.02.2020, 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 19.06.2020 passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Jehanabad, whereby the appellant's prayer for bail, in connection with SC/ST Special Case No. 151 of 2019, arising out of Jehanabad Mahila P.S. Case No. 58 of 2019, registered for the offences punishable under Section 376(D) of the Indian Penal Code, Section 4 of the POCSO Act



and Section 3(1)(r)(s)(w), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, has been rejected.

Accusation is that informant aged about 14 years had gone in the field for cutting grass, in course of returning from there, Pappu Sharma and Tetar Manjhi (Petitioner) stop her and threw the bundle of grass and carried her in canal, where both committed rape upon her.

Learned counsel appearing on behalf of appellant submits that, in fact, informant and appellant are co-villager and due to petty dispute in the family of appellant and informant, the family members of informant managed to lodge the present case with false allegation of rape at the hand of the appellant and co-accused Pappu Sharma. Further submission is that in course of trial, Krishna Ravidas and Lalsha Devi, parents of victim, and victim himself have been examined as P.W.1, P.W.2 and P.W.3, respectively, in which all have denied about offence of rape. However, the victim only stated about forbidding by the appellant and co-accused to cut grass from the field. Further submission is that similarly situated co-accused Pappu Kumar Sharma has already been allowed privilege of bail vide Criminal Appeal (SJ) No. 1405 of 2020 on 24.09.2020 and the appellant is in custody since 23.12.2019.



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-cum-Special Judge, SC/ST (POA) Act, Jehanabad in connection with SC/ST Special Case No. 151 of 2019, arising out of Jehanabad Mahila P.S. Case No. 58 of 2019.

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

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

