

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1986 of 2020**

Arising Out of PS. Case No.-232 Year-2020 Thana- TURKAULIYA District- East
Champaran

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BRAHMDEV SAHANI Son of Alakh Sahni Resident of Village- Hardiyan,
P.S.- Turkauliya, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 19-01-2021 Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act has
been preferred against the order dated 14.07.2020, passed by
learned 1st Additional Sessions Judge-cum-Special Judge
SC/ST Act, East Champaran at Motihari, in Turkauliya P.S. Case
No. 232 of 2020, whereby the appellant's prayer for regular bail
has been rejected.

The victim, who claims to be a minor aged 12 years,
is the informant. It is her case that in the night of the alleged
date of occurrence, when she was sleeping with her siblings in a
room and her father was sleeping in the adjacent room, the
appellant entered into the house and attempted to outrage her



modesty. The appellant was allegedly apprehended by the informant's father, uncle and other neighbours and was subsequently handed over to the police, who had reached the place of occurrence on information. There is allegation in the FIR that the appellant abused the informant taking her caste name.

Learned counsel for the appellant has submitted that the appellant is in custody since 22.04.2020. He has submitted that dispute between the parties in relation to permitting passage to the informant's family is the reason behind lodging of a false criminal case. He has further submitted that since charge-sheet has already been submitted, there is no question of causing any interference during course of investigation. He has submitted that in view of nature of accusation there is no question of tampering with the evidence or influencing the witnesses during course of trial.

Considering the fact that the appellant is in custody since 22.04.2020, in my opinion, in the background of nature of accusation, a case for grant of regular bail is made out. The impugned order dated 14.07.2020 requires interference and is accordingly set aside. This appeal is allowed.

Let the appellant, above-named, be released on bail on



furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, in Turkauliya P.S. Case No. 232 of 2020.

(Chakradhari Sharan Singh, J)

Rajesh/-

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