

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1966 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- NAVINAGAR District- Aurangabad

NAWNEET DUBEY S/o Shri Dubey Resident of Village- Harchandpur, P.S.-
Nabinagar (Badem O.P.), District- Aurangabad.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The present appeal has been filed against the order dated 03.09.2020 passed by learned VIth Additional Sessions Judge cum Exclusive Special Judge (POCSO), Aurangabad in connection with Nabinagar P.S. Case No. 45/2020 registered for the offences punishable under Sections 354(B)/504/506 of the Indian Penal Code and Sections 8 of POCSO Act and Sections 3(1)(w)(I) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, the appellant is alleged to have caught hold of the victim girl and tried to drag her. On protest, the appellant fled away.



It is submitted on behalf of the appellant that as per the FIR, there is no allegation of any criminal force being used by this appellant for catching hold of hands of the victim girl. It is further submitted that appellant has been falsely implicated in this case because of the fact that cattle of the informant damaged the crops of the appellant for which a complaint was lodged, consequently, *marpit* took place between the parties. It is next submitted that there is no allegation of abuse by taking caste name.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 03.09.2020 passed by learned VIth Additional Sessions Judge cum Exclusive Special Judge (POCSO), Aurangabad, in connection with Nabinagar P.S. Case No. 45/2020 is set aside and appeal is allowed.

Accordingly, let the appellant, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 learned VIth Additional Sessions Judge cum Exclusive Special Judge (POCSO), Aurangabad in connection



with Nabinagar P.S. Case No. 45/2020.

(Prabhat Kumar Singh, J)

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