

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 356 of 2021

Arising Out of PS. Case No.-27 Year-2020 Thana- LAURIA District- West Champaran

NITU GUPTA @ NITU PRASAD GUPTA Son of Sri Daroga Prasad
Resident of village-Loharpatiya Naya Basti, P.S- Lauriya, District-West
Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. ana Vikram Singh, Advocate
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 16-03-2021

Heard learned counsel for the appellant and the learned
Special PP for the State.

2 The appellant has preferred the present Appeal under
Section 14 A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*)
against the refusal of his prayer for regular bail vide order dated
19.06.2020 passed by Additional Sessions Judge I -cum- Special
Judge, Protection of Children from Sexual Offences (for brevity,
POCSO)/SC/ST Act, West Champaran at Bettiah in a case
registered under Sections 306/34 of Indian Penal Code and
Sections 3 (2) (v) of SC/ST Act in connection with Lauriya Police
Station (for brevity, *PS*) Case No 27 of 2020 dated 23.03.2020.

3 The informant has alleged that four persons including
the appellant have entered in his house with the intention of



teasing his niece. They fled away on *hulla* being raised and next day, spread rumours about the easy virtue of the victim leading to her committing suicide.

4 It is submitted by the appellant's counsel that in the statement made before the police during investigation, mother of the victim has named only co-accused Nitesh sah of entering the house with the intention of teasing. Appellant's implication is based on extraneous considerations and only in a general and omnibus manner that he was spreading rumours. Appellant is having no criminal antecedent and he is in custody since 08.06.2020.

5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 19.06.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned Special PP for the State has submitted that the victim's mother, in the course of investigation, has stated about teasing of the victim girl and specifically named co-accused Nitesh Sah.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 19.06.2020 passed by Additional Sessions Judge I -cum- Special Judge, SC/ST/POCSO



Act, West Champaran at Bettiah in connection with Lauriya PS
Case No 27 of 2020 dated 23.03.2020 is set aside.

8 Let the appellant above named be released on bail on
his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
Additional Sessions Judge I -cum- Special Judge, SC/ST/POCSO
Act, West Champaran at Bettiah in Lauriya PS Case No 27 of 2020
subject to the following conditions:

(1) That one of the bailors will be a close relative of the
appellant who will give an affidavit giving genealogy as to how he
is related with the appellant. The bailor will also undertake to
inform the Court if there is any change in the address of the
appellant.

(2) That the appellant will be well represented on each
date and if he fails to do so on two consecutive dates, his bail will
be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.03.2021
Transmission Date	17.03.2021

