

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3424 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- KALYANPUR District- East Champaran

HIRA MAHTO Son of Indradeo Mahto Resident of Village - Bahuara, Sujan,
P.S.- Kalyanpur, Distt.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar No.III, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-09-2021

Heard learned counsel for the parties.

The instant appeal has been preferred against the order dated 20.7.2021 passed by the learned Additional District and Sessions Judge VII-cum-Special Judge, POCSO Act, East Champaran, Motihari whereby the prayer for bail of the appellant in connection with Kalyanpur P.S. Case no. 185 of 2020/CIS-135/2020 registered under sections 341, 323, 504 and 506 of the Indian Penal Code, sections 7 and 12 of the POCSO Act and sections 3(1)(r), (s) and (w) of the SC and ST (POA) Act was rejected.

As per the prosecution case, it is stated by the minor informant that the appellant caught hold of her and misbehaved with her. As a result of hulla being raised, her father reached there on which the appellant is stated to have assaulted him and abused him in the name of his caste.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. There is an unexplained delay of two days in lodging



of the FIR although, the police station is stated to be at a distance of 4 kms from the alleged place of occurrence. There is land dispute between the parties and investigation in the case has concluded with submission of the charge sheet. The appellant is in custody since 7.7.2021 and has no criminal antecedent.

The appeal is opposed by learned Spl. PP appearing for the State who submits that not only the appellant is named in the FIR but there is direct allegation against him.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the charge sheet having been submitted, the appeal is allowed and the order impugned dated 20.7.2021 passed by the learned Additional District and Sessions Judge VII-cum-Special Judge, POCSO Act, East Champaran, Motihari is set aside.

The appellant is directed to be enlarged on bail in connection with Kalyanpur P.S. Case no. 185 of 2020 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 VII-cum-Special Judge, POCSO Act, East Champaran, Motihari.

(Partha Sarthy, J)

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