

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2129 of 2020

Arising Out of PS. Case No.-342 Year-2019 Thana- SHIVSAGAR District- Rohtas

SUSHIL PANDEY, Son of Jamuna Pandey @ Yamuna Pandey Resident of
Village- Shahpur, P.S.- Shivsagar, District- Rohtas.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Wasi Ahmad Khan
For the Respondent/s : Mr. Vinay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-01-2021 Heard Mr. Arun, learned counsel for the

appellant and Mr. Vinay Krishna, learned Special Public

Prosecutor for the State.

The appellant has challenged the order dated
07.09.2020, in connection with POCSO Case No. 91 of
2019, arising out of Shivsagar P. S. Case No. 342 of
2019 dated 02.10.2019, passed by learned Additional
Sessions Judge – VI, Exclusive Special Court, POCSO,
Rohtas at Sasaram, whereby the prayer for grant of bail
has been rejected.

From the perusal of the F.I.R., it appears that
the appellant had tried to pass on his mobile telephone



number even on the insistence of the prosecutrix that she is not willing to take the same. The appellant is then stated to have tried to drag away the victim to some distance.

The learned counsel for the appellant has submitted that the present case is only an offshoot of the dispute between two families regarding drainage.

In any view of the matter, the learned counsel for the appellant has submitted that for the offence which has been described in the F.I.R., the appellant is in custody since 28.07.2020.

Regard being had to the nature of accusation and the period of custody of the appellant, the order dated 07.09.2020, in connection with POCSO Case No. 91 of 2019, arising out of Shivsagar P. S. Case No. 342 of 2019 dated 02.10.2019, passed by learned Additional Sessions Judge – VI, Exclusive Special Court, POCSO, Rohtas at Sasaram, is set aside.

The appellant, above-named, is directed to be



released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI, Exclusive Special Court POCSO, Rohtas at Sasaram, in connection with POCSO Case No. 91 of 2019, arising out of Shivsagar P. S. Case No. 342 of 2019 dated 02.10.2019.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

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