

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.733 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- KOILWAR District- Bhojpur

Harishankar Mahto @ Bilai @ Harishankar Singh S/o Dindayal Mahto R/o
Village- Mukhalisha, P.S.- Koilwar, District- Bhojpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-04-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 3.10.2020 passed by the learned Additional Sessions Judge-VI , Bhojpur at Ara whereby the prayer for bail of the appellant in connection with POCSO Case no.26 of 2020 arising out of Koilwar P.S. Case No.146 of 2020 registered under section 354B of the Indian Penal Code, section 3(1)(w) of the SC/ST (Prevention of Atrocities) Act and section 7 of the POCSO Act, was rejected.

As per allegation in the F.I.R., it is stated by the informant that she accompanied her mother and elder brother to the petitioner, who was to perform some ceremonies/‘Hawan’ for cure. It is stated that he tried to misbehave with her and on



her protest she was saved by her brother.

It is submitted by learned counsel for the appellant that the allegation as levelled in the F.I.R. are not only false and concocted but beyond belief. The narration in the F.I.R. accepts that the informant was accompanied by her brother and mother who were at the alleged place of occurrence. In fact no such occurrence ever took place and the appellant has been falsely implicated in the case due to oblique reasons. The appellant is in custody since 20.8.2020, charge sheet has been submitted in the case and he has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations as levelled in the F.I.R., together with the submissions made on behalf of the appellant and the material that has transpired in course of investigation, the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 3.10.2020 passed by the learned Additional Sessions Judge-VI , Bhojpur at Ara, is set aside.

The appellant is directed to be enlarged on bail in connection with POCSO Case no.26 of 2020 arising out of Koilwar P.S. Case No.146 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
Sessions Judge-VI, Bhojpur at Ara.

(Partha Sarthy, J)

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