

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.173 of 2021**

Arising Out of PS. Case No.-9 Year-2017 Thana- MAHILA PS District- Aurangabad

SAROJ SINGH aged about 34 years S/o Late Ramashish Singh Resident of
Vill.- Bihta, P.S.- Haspura, Distt.- Aurangabad ... Appellant

Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr. Ashok Kumar Singh, Advocate
For the Respondent : Mr. Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 05-02-2021 Heard learned counsel for the appellant and the State.

The present appeal is directed against the order dated 12.10.2020, passed by learned Additional Sessions Judge VI cum Special Judge, POCSO Act Aurangabad in a case registered for the offence punishable under Sections 376D and other allied sections of the Indian Penal Code and Section 3 (1) (r) (s), 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby bail of the appellant has been rejected.

Learned counsel for the appellant submits that the victim in her section 164 Cr.P.C. statement has not named this appellant and similarly situated co-accused Rajkumar has already been allowed bail by a bench of this Court vide order dated 29.3.2018, passed in Cr.Appeal(SJ) No.3207/2017 (Annexure 3). Appellant has got no criminal antecedent as stated in paragraph 3 of the bail petition.

Having regard to the submissions made by the parties



and taking into consideration the fact that the victim has not made any allegation against the appellant in her section 164 Cr.P.C. statement, this appeal is allowed and the impugned order dated 12.10.2020, is set aside.

Accordingly, appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI cum Special Exclusive Judge, POCSO Act, Aurangabad in Mahila Police Station Case No. 9/2017 on the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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