

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3962 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- KASBA District- Purnia

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1. Md. Nawazish @ Md. Navjish Son of Md. Tahsin @ Md. Tohsin Resident of Village- Rusabari, P.S.- Jalalgarh, District- Purnea. At Present residing at Village- Majgama, P.S.- Kasba, District- Purnea.
 2. Md. Abubakar Son of Md. Abid Resident of Village- Rusabari, P.S.- Jalalgarh, District- Purnea. At Present residing at Village- Majgama, P.S.- Kasba, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar Agrawal
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 28-10-2021 Heard learned counsel for the appellants and learned Special P.P. for the State.

The appellants seek pre-arrest bail in connection with Kasba P.S. Case No.97 of 2020 registered under Sections 363, 342, 376/34 of the Indian Penal Code and Section 4 of POCSO Act and Sections 3(1)(r)(s), 3(2)(Va), 3(2)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Submission of learned counsel for the appellants is that the appellants are innocent and have falsely been implicated in the present case. On perusal of depositions of P.Ws.1 to 5 (Annexure 2 series), it would appear that they have not stated that the appellants have kidnapped and raped the victim. The

appellants have no criminal antecedent.

Having considered the facts and circumstances of the case, let the above named appellants be released on bail, in the event of arrest or surrender, on furnishing personal bonds to the satisfaction of Additional Sessions Judge VI-cum-Special Judge (POCSO Act), Purnea in connection with Kasba P.S. Case No.97 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the appeal is allowed and the impugned order dated 25.08.2021 passed in A.B.P. No.40 of 2021 is set aside.

(Arvind Srivastava, J)

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