

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 435 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- EKANGARSARAI District- Nalanda

PREM KUMAR GUDDU SON OF ASHOK PRASAD RESIDENT OF
VILLAGE- SAIDPUR, P.S.- EKANGERSARAI, DIST- NALANDA.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Raj Kishor Prasad, Advocate

For the Respondent/s : Ms. Usha Kumari No. 1, Special PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-03-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 20.10.2020 passed by the learned Special Judge, Pocso Act, ASJ VII, Nalanda, in connection with Ekangersarai P.S. Case No. 132 of 2020 instituted for the offence under Sections 323, 341, 354B, 448, 504 of the Indian Penal Code, and Section 3(i)(r)(s) of the SC/ST Act, as also Sections 8, 10 of the Pocso Act, and also for setting aside the aforesaid order dated 20.10.2020.

There is allegation by the informant that the petitioner has entered her house and attempted to commit rape. It is further stated that earlier also such attempts were made.



Learned Counsel for the appellant submits that it is a case of false implication. The informant, as per the prosecution case, has stated her age to be 19 years. There is no allegation that rape was actually committed and realising the mistaken implication of the appellant a joint compromise petition has been filed in the court below on 7.1.2021. The appellant is stated to be a man of clean antecedent. He is stated to be having one case under the Excise Act in which he is on bail. He is in custody since 12.10.2020 on which date he had voluntarily surrendered in the court below.

Learned Special P.P. has opposed the prayer for bail. He submits that in the investigation some persons have supported the factum of the petitioner entering the house of the informant.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, 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 the learned Special Judge, Pocso -cum- ASJ VII, Nalanda in connection with Ekangersarai P.S. Case No. 132 of 2020.

In the result, the appeal is allowed and the impugned order dated 20.10.2020 is set aside.

(Madhuresh Prasad, J)

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