

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4173 of 2021**

Arising Out of PS. Case No.-447 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Md. Allauddin @ Tinku, S/O Md. Nijam, R/O Village-Shahpur, P.S- Muffasil
(Lakho O.P), District- Begusarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shubhesh Pandey, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 29-10-2021 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

The appellant has preferred the present appeal under
Section 14A(2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act against the refusal of his prayer
for regular bail, vide order dated 10.09.2021 passed by the
learned court of Additional Sessions Judge-VI-cum-Special
Judge, POCSO Act, Begusarai, in connection with POCSO Case
No.47/2021 arising out of Begusarai Muffasil (Lakho)P.S. Case
No.447 of 2020 for the offence under Sections 147, 148, 149,
341, 323, 354(B), 337, 338, 307, 504, 506 of the I.P.C., and
Section 3(1)(r)(s)/2(V) of the SC/ST (Prevention of Atrocities)
Act and under Section 8 of the POCSO Act and also for setting



aside the aforesaid order dated 10.09.2021.

The informant has alleged that her daughter was on way on a bicycle when she has been pushed by the appellant. After she fell down, he has indecently touched her body. On protest being made by the prosecution party, it is alleged that the accused persons have assaulted, leading to the injury being sustained by one Santosh Das.

Appellant's counsel submits that it is a case of false implication, based on extraneous considerations. Other co-accused persons have been granted bail in Cr.Appeal(SJ) No.174 of 2021 and Cr.Appeal (SJ) No.3108 of 2021. The appellant has remained in custody since 26.07.2021 and due to rival claim over piece of land, there is a case and counter case between the parties. In the counter case (Begusarai Sadar Muffasil P.S. Case No.448 of 2020), prosecution party has been made accused. The appellant has no criminal antecedents.

Learned Special P.P. has opposed the prayer for bail.

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 court of Additional Sessions Judge-
VI-cum-Special Judge, POCSO Act, Begusarai, in connection
with POCSO Case No.47/2021 arising out of Begusarai
Muffasil (Lakho)P.S. Case No.447 of 2020, subject to the
following conditions:

- (i) That one of the bailors will be a close relative of
the appellant who will give an affidavit giving
genealogy as to how he is related with the
appellant. The bailor will also undertake to
inform the court if there is any change in the
address of the appellant.
- (ii) That the appellant will be well represented on
each date and if he fail to do so on two
consecutive dates, his bail bond will be liable to
be cancelled.

In the result, the appeal is allowed and the impugned
order dated 10.09.2021 is set aside.

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.

(Madhuresh Prasad, J)

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