

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 883 of 2021**

Arising Out of PS. Case No.-65 Year-2020 Thana- BAGHA District- West Champaran

PAPPU KEWAT @ PAPPU KUMAR S/o Shambhu Kewat @ Shambhoo
Mahto Resident of Village- Deurwa, P.S.- Bhairoganj, Distt- West Champaran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Sanjay Kumar No 7, Advocate
For the Respondent/s : Mr Sadanand Paswan, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-03-2021

Heard learned counsel for the appellant and the learned
Special PP for the State.

2 The appellant has preferred the present Appeal under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his prayer for regular bail vide order dated 09.11.2020 passed by Additional Sessions Judge VII -cum- Special Judge, Protection of Children from Sexual Offences (for brevity, *POCSO*) Act, West Champaran at Bettiah in a case registered under Sections 354B, 341, 323, 504/34 of Indian Penal Code, Section 12 of POCSO Act and Sections 3 (i) (r) (s) of SC/ST Act



in connection with Bagaha (Bahiroganj) Police Station (for brevity, *PS*) Case No 65 of 2020 dated 29.01.2020.

3 Allegation against the appellant is of teasing the informant's daughter while she was on her way. The other co-accused persons have assaulted the informant when he has gone to the house of the appellant to lodge his protest.

4 Appellant's counsel submits that it is a case of false implication. No occurrence, as alleged, has ever taken place. Falsity is evident from the fact that the occurrence is alleged to have taken place on 18.01.2020 for which First Information Report has been lodged on 29.01.2020. The fact that no one has come to lodge any complaint for nearly 10 days, is a clear indication of the falsehood. The appellant himself is 19 years old and deserves the same consideration in view of his young age. Co-accused Ravindra Mahto has been allowed bail whereas the appellant's bail has been rejected by Special Judge, POCSO Act on the submission of learned PP regarding his criminal antecedents. Appellant has stated on affidavit that this fact is an error of record as he has no criminal antecedent. Under such circumstances, the appellant is in custody since 06.09.2020.



5 In my opinion, a case for grant of regular bail is made out. The impugned order dated 09.11.2020 requires interference by this Court, which is, accordingly, set aside.

6 Learned Special PP for the State has opposed the prayer for bail. He has submitted that there is specific allegation of teasing the informant's daughter against the appellant.

7 Considering the rival submissions, this appeal is allowed. The impugned order dated 09.11.2020 passed by Additional Sessions Judge VII -cum- Special Judge, POCSO Act, West Champaran at Bettiah in connection with Bagaha (Bahiroganj) PS Case No 65 of 2020 dated 29.01.2020 is set aside.

8 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VII -cum- Special Judge (POCSO) Act, West Champaran at Bettiah in Bagaha (Bahiroganj) PS Case No 65 of 2020 dated 29.01.2020 subject to the following conditions:

(1) 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.



(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2021
Transmission Date	25.03.2021

