

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3460 of 2021**

Arising Out of PS. Case No.-320 Year-2019 Thana- PUPRI District- Sitamarhi

Hasan Baitha @ Isan Baitha S/o Sakur Baitha R/o village- Bhitha Jalalpur,
P.S.- Pupri, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna Mr. Anil Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 30.07.2021, passed by learned 6th Additional Sessions Judge, Sitamarhi in connection with Pupri P.S. Case No.320 of 2019, registered under Sections 363, 365, 376, 504, 506 and 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act as well as under Sections 3(i)(r)(w)(s) of the SC/ST Act.

The appellant and other co-accused persons are said to have kidnapped the victim girl. The appellant and one unknown



person are also said to have committed rape with the victim girl at Delhi. When the family members of the victim girl went to the father of the appellant to complain, the father of the appellant abused them and also threatened to kill them.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the matter has been compromised between the parties. It is also submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal.

Learned counsel appearing on behalf of respondent no.2 fairly submits that the matter has been compromised between the parties.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Taking into consideration the fact that the matter has been compromised between the parties, let appellant, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Sitamarhi



in connection with Pupri P.S. Case No.320 of 2019, subject to
the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this
appeal is allowed.

(Anjani Kumar Sharan, J.)

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