

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3653 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- DALSINGHSARAI District- Samastipur

BAIDYANATH SINGH @ BAID NATH SINGH @ BAIJNATH SINGH son
of Late Ram Yugal Singh Resident of Village - Gospur, P.S. Dalsinghsarai,
District – Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Renu Devi Vinod Paswan R/O Village-Gospur, Ward No.-9, P.S.-
Dalsinghsarai, District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Jitendra Narain Sinha
For the Respondent/s	:	Mr.Binay Krishna Mr.Mahendra Pratap

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2022 Heard learned counsel for the appellant, learned
Special P.P. as well as learned counsel for the
informant/respondent no. 2.

The present appeal has been filed against order dated
28.06.2021 passed by learned A.D.J.-VI-cum-Special Court
(POCSO), Samastipur in Dalsingsarai P.S. Case No. 66 of 2021
registered for the offence punishable under Sections 506,
376(A), 376(B), 34 of the Indian Penal Code, Section 4 of the
POCSO Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST
(POA) Act, whereby the prayer for anticipatory bail of appellant
was rejected.

Appellant is father of co-accused Chetan Kumar, who



is alleged to have made physical relation with the daughter of the informant on the pretext of marriage resulting in her pregnancy.

Learned counsel for the appellant submits that specific accusation of sexual assault is against co-accused Chetan Kumar. Appellant happens to be father of co-accused Chetan Kumar. There is no allegation against this appellant of abusing the informant by caste name and as such, no offence under the SC/ST Act is made out against him. Appellant has got clean antecedent.

Learned Special P.P. as well as learned counsel for the respondent no. 2 vehemently opposed the appeal and submit that appellant is father of main accused Chetan Kumar and he is also named in the F.I.R. and there is allegation against him of threatening the informant.

Considering the nature of accusation, clean antecedent and the fact that no case is made out against this appellant under SC/ST Act, the impugned order dated 28.06.2021 is, hereby, set aside and appeal is allowed.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the above-named appellant be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Court (POCSO), Samastipur in connection with Dalsingsarai P.S. Case No. 66 of 2021.

(Prabhat Kumar Singh, J)

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