

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.635 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- TARIYANI CHOWK District- Sheohar

KAMLESH BHAGAT Son of Rupan Bhagat R/V- Surgahi, P.S- Tariyani,
Dist- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Reena Devi Wife of Harishankar Paswan R/V- Surgahi, P.S- Tariyani, Dist- Sheohar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-12-2023 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 15.12.2022 passed by learned Additional District and Sessions Judge-cum-Special Judge-1st, SC/ST, Sheohar whereby the prayer for bail of the appellant in connection with Tariyani P.S. Case no.313 of 2022 under Sections 452, 376 and 511 of the Indian Penal Code and sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Act was rejected.

3. It is a case of outraging the modesty of the



informant by the appellant while she was sleeping in her house alone.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. The informant/victim is a matured and married lady aged about 33 years. It is further submitted that not any witnesses supported the allegation of the informant against the appellant. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. The appellant has got no criminal antecedent and languishing in judicial custody since 03.11.2022.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 15.12.2022 is hereby set aside.



7.The appellant is directed to be enlarged on bail in connection with Tariyani P.S. Case No. 313 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Special Judge-1st, SC/ST, Sheohar.

(Sunil Kumar Panwar, J)

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