

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1186 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- KHAJAULI District- Madhubani

ARUN PASWAN Son of Doma Paswan R/v- Dostpur, P.S.- Khajauli, Dist-
Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Nilam Devi Wife of Vinod Paswan R/v- Dostpur, P.S.- Khajauli, Dist-
Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhavesh Kumar Sah
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 27.1.2023 passed by learned Additional Sessions Judge-VI-sum-Special Judge (POCSO) Act, Madhubani whereby the prayer for bail of the appellant in connection with Khajauli P.S. Case no. 142 of 2022 under Sections 448, 376, 511/34 of the Indian Penal Code, section 8 of the POCSO Act and sections 3(2)(va) of SC/ST Act was rejected.

According to FIR, it is a case of attempt of rape and outraged the modesty of daughter of the informant, who is



alleged to be minor.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant or his daughter in public view hence, no offence is made out under the provisions of the SC/ST Act against him. From perusal of FIR as well case diary, the specific overt-act attributed against co-accused Md. Shakeel rather general and omnibus allegations leveled against this appellant. It is also submitted vide para 15 of the case diary that good sense has been prevailed between the parties which is evident from vide Annexure-2. Moreover, the appellant has got no criminal antecedent and languishing in judicial custody since 9.12.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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 27.1.2023 passed in Khajauli P.S. Case no. 142 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Khajauli P.S. Case no. 142 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 Addl. Sessions Judge-VI-Cum-Special Judge,
POCSO Act, Madhubani.

(Sunil Kumar Panwar, J)

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