

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1338 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- DINARA District- Rohtas

Nishant Singh S/O-Umesh Singh, R/o Village- Dadhawan P.S.- Dinara Dist-
Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikrama Pasawan son of Dashrath Pasawan Village- Dadhawan Ps- Dinara
Dist- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Kiran Kumari Sharma, Advocate
For Resp. No.2	:	Mr. Ajay Kumar Tiwari, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-08-2023 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the appellant assisted by Ms. Kiran Kumari Sharma,
Advocate, learned counsel appearing on behalf of respondent
no.2, and learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for regular bail by
order dated 25.01.2023 passed by the learned A.D.J.-VII-cum-
Exclusive Special Judge, Prevention of Children From Sexual
Offences (POCSO) Act, Sasaram in connection with Dinara P.S.
Case No. 189 of 2022 registered under Sections 341, 292,
354(C), 504, 506 and 34 of the Indian Penal Code and Sections



8/12 of POCSO Act and section 3(1)(r)(s) of SC/ST Act, 1989 and Section 66 (F), 67(B) of I.T. Act.

3. As per prosecution case, as per written report of the informant namely, Vikarma Paswan, in brief is that he is a poor person and he has a daughter (victim) aged about 17 years. On 22.07.2022 at about 01:00 A.M., his village boy namely, Nishant Singh (appellant) had entered into his house and apprehended with the help of his villagers with loaded rifle and sent to judicial custody. It is further alleged that after releasing from judicial custody accused Nishant Singh, made video of his daughter and viral the same on Face-book and when the informant objected about the same to the parents of the accused then they assaulted, abused and ousted from the house. He further submits that after knowing the same appellant, abused the informant and his family member on call.

4. Learned senior counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. and bare perusal of F.I.R. no case is made out under the I.T. Act, in fact the appellant and victim was in love and due to some dispute the



father of the victim has filed the present false case against the appellant. He further submits that the appellant has not abused in the name of the case and the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 27.09.2022.

5. The learned counsel appearing on behalf of the Respondent No.2 as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the appellant that he has abused the daughter of the informant and during investigation witnesses in para-5 and 6 of the case diary have supported the contention of the informant. They further submits that appellant carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII-cum-Exclusive Special Judge, Prevention of Children From Sexual Offences (POCSO) Act, Sasaram in connection with Dinara P.S. Case No. 189 of 2022, subject to the following conditions:-



1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Accordingly, the impugned order dated 25.01.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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