

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2608 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- SIDHWALIYA District- Gopalganj

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TABREJ ANSARI @ TABREJ ALAM Son of Rajmahamad Miya Resident of
Village - Bucheya Mathiya, P.s.- Sidhwaliya, Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Munni Kumari D/o Shatrughan Manjhi Resident of Village - Bucheya Mathiya, P.s.- Sidhwaliya, Distt.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Kumar Singh,Adv.
For the Respondent/s : Mr.Usha Kumari 1,Spl.PP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-02-2023 The Registry has pointed out that the notice has been validly served upon the respondent no.2, however, this Court finds that there is no representation on behalf of the respondent no.2.

Heard the learned counsel for the appellant and the learned Special Public Prosecutor for the State.

The present appeal has been filed against the order dated 11.05.2022 passed by the learned Additional Sessions Judge-3rd-cum-Special Judge, SC/ST, Gopalganj, in connection with



Sidhwaliya P.S. Case No.91 of 2022, registered for the offences under Sections 341, 323, 452, 354(B), 504 and 506 of the Indian Penal Code and 3(i)(e) (ii), 3(2), (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby and whereunder the prayer of the appellant for grant of bail has been rejected.

The allegation is regarding the appellant having entered the house of the victim lady, whereafter, he had tried to molest her but in the meantime, the victim lady had raised an alarm resulting in the appellant having fled away.

The learned counsel for the appellant has submitted that the appellant is innocent, he has been falsely implicated in the present case and he is languishing in custody since 24.03.2022. The learned counsel for the appellant has further submitted that a general and omnibus allegation has been levelled against the appellant and in fact no such occurrence has ever taken place.

Per contra, the learned Special Public Prosecution for the State has vehemently opposed



the prayer for bail.

Having regard to the facts and circumstances of the case, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the appellant by the victim lady and there is no allegation of him having committed any untoward incident with the victim lady, I deem it fit and proper to admit the appellant to the privilege of bail.

Accordingly, the above named appellant is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd-cum-Special Judge, SC/ST, Gopalganj in connection with Sidhwaliya P.S. Case No.91 of 2022.

In view of the aforesaid, the impugned order dated 11.05.2022, passed by the learned Additional Sessions Judge-3rd-cum-Special Judge, SC/ST, Gopalganj, in connection with Sidhwaliya



P.S. Case No.91 of 2022, is set aside. The appeal stands allowed.

(Mohit Kumar Shah, J)

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