

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3163 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- MADHUBAN District- East Champaran

Lalwati Devi Wife Of Yodha Sahni R/O Village- Chak Chauhani, Tola
Khirwa, P.S.- Mehasi, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Ram Son Of Late Jagdeo Ram R/O Village- Garahiya, P.S.-
Madhuban, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Karandeep Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 12-04-2023 Appellant's counsel is permitted to make necessary

correction in ground No.2 of the memo of appeal in the course

of the day.

Heard learned counsel for the Appellant and learned

APP for the State.

No one appears on behalf of the Respondent No.2.

The instant criminal appeal has been filed under

Section 14(A)(2) of the Scheduled Castes and the Scheduled

Tribes (Prevention of Atrocities) Act, against the order dated

16.08.2022 passed by learned Special Judge, S.C./S.T. Act, East

Champaran at Motihari in connection with Madhuban P.S. Case

No.173 of 2022 registered for the offences punishable under



Sections 363, 366A, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(r),(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act and Section 8 of the POCSO Act by which the appellant's prayer for bail was rejected.

The main submissions advanced by learned counsel for the appellant are that the appellant was granted provisional bail by this Court in this appeal vide order dated 13.10.2022 and the appellant is still on the said provisional bail and so far as the allegation is concerned, the appellant is quite innocent and the so-called victim has been recovered and she has been medically examined and she has recorded her statement before Judicial Magistrate. Further submission is that as per medical expert's opinion the victim's age is between 18 to 20 years and before the Judicial Magistrate the victim did not support the prosecution's allegation made in the FIR.

Learned APP appearing for the State has opposed the prayer for bail of the appellant made in this appeal.

Considering the above submissions, the provisional bail granted to the appellant vide order dated 13.10.2022 is hereby confirmed on the same bail bond taken under the said order as well as on the same conditions imposed under the said order.



Accordingly, the instant appeal stands allowed and the
order impugned is hereby set aside.

(Shailendra Singh, J)

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