

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3959 of 2022

Arising Out of PS. Case No.-250 Year-2022 Thana- BAGHA District- West Champaran

Praval Pathak @ Praval Kumar @ Praval Kumar Pathak Son Of Dinesh Kumar Pathak Bhramar Resident Of Village - Patkhauri, Police Station - Bagaha Patkhauri, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dewanti Devi Wife of Pradeep Gond Resident of village - Patkhauri, Police Station - Bagaha Patkhauri, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-03-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated 14.10.2022 passed by learned Additional District & Sessions Judge-VII-cum-Special Judge, (POCSO), West Champaran at Bettiah in connection with Bagaha Patkhauri P.S. Case No. 250 of 2022 instituted for the offences punishable under Sections 341, 504, 354(B), 509 of the Indian Penal Code, Section 8 of the POCSO Act and Sections 3, 2(va) of the SC/ST Act whereby his



prayer for being released on bail has been rejected.

The accusations are of misbehaving, inserting and outraging the modesty of the informant as well as her minor daughter by the appellant.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The present case has been filed by the informant at the instigation of the full brother of the appellant. As per F.I.R., the occurrence did not take place in public view hence the provision under the SC/ST Act shall not be attracted against the appellant. The appellant is in custody since 14.10.2022.

Learned counsel appearing on behalf of the informant and learned Special P.P for the State have vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 14.10.2022 passed by learned Additional District & Sessions Judge-VII-cum-Special Judge, (POCSO), West



Champaran at Bettiah in connection with Bagaha
Patkhauri P.S. Case No. 250 of 2022.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be
released on bail on furnishing bail bonds of Rs. 10,000/-
(ten thousand) with two sureties of the like amount each
to the satisfaction of learned Additional District &
Sessions Judge-VII-cum-Special Judge, (POCSO), West
Champaran at Bettiah in connection with Bagaha
Patkhauri P.S. Case No. 250 of 2022.

(Sunil Kumar Panwar, J)

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