

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75650 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- SC/ST District- Rohtas

1. Manushah @ Manu Kumar Virbhadra Gupta Resident Of Village - Kanchanpur, Police Station - Sasaram (M), District - Rohtas
2. Sumant Shah @ Sumant Kumar Son Of Hira Lal Shah Resident Of Village - Kanchanpur, Police Station - Sasaram (M), District - Rohtas
3. Jayant Shah @ Jayant Kumar @ Jaiwant Sah Son Of Hira Lal Shah Resident Of Village - Kanchanpur, Police Station - Sasaram (M), District - Rohtas
4. Chandan Shah @ Chandan Kumar Son Of Ram Pravesh Shah Resident Of Village - Kanchanpur, Police Station - Sasaram (M), District - Rohtas
5. Antu Kumar Son Of Motilal Shah Resident Of Village - Kanchanpur, Police Station - Sasaram (M), District - Rohtas
6. Tinku Shah Son Of Moti Shah Resident Of Village - Kanchanpur, Police Station - Sasaram (M), District - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant, Adv.
For the Opposite Party/s : Mrs. Sharda Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with SC/ST P.S. Case No. 26 of 2023 dated 16.05.2023 registered for the offences punishable u/ss 341, 323, 354B, 504, 506 read with section 34 of the Indian Penal Code and u/ss 3(i)(r)(s)(w)(va) of the SC/ST Act and also Section 8 of the POCSO Act.



3. As per the prosecution case, the petitioners and the co-accused person are alleged to have abused the informant's son by calling his caste name and tried broom and bells in his leg and forbade to go to school. Thereafter, the informant and her daughter went to the house of the accused persons to enquire about the incident then the accused persons started assaulting the informant and her daughters. It is further alleged that the accused persons outraged the modesty of the informant and her daughter.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is a delay of seventeen days in lodging the F.I.R. and the delay has not been explained by the prosecution. There is general and omnibus allegation against the petitioners. It is further submitted that no member of public was present at the relevant point of time of the alleged incident. Hence, no *prima facie* case is made out against the petitioners under the provisions of SC/ST Act. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Rohtas in connection with SC/ST P.S. Case No. 26 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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