

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.179 of 2023**

Arising Out of PS. Case No.-31 Year-2022 Thana- SC/ST District- Munger

Pappu Mandal S/O Suro Mandal Resident Of Village- Durgapur, P.S.-
Sangrampur, District- Munger.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukul Prasad

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 03-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
10.11.2022 passed by learned Special Judge-POCSO
ACT-cum-Additional Sessions Judge-VI, Munger in
connection with POCSO Case No. 50 of 2022 (SC/ST
Case No. 31 of 2022) instituted for the offences
punishable under Sections 341, 323, 354(B), 504, 506,
509/34 of the Indian Penal Code and Section 3(i)(r)(s)
(w)(i), 3(2)(va) of the SC/ST Act whereby his prayer for
being released on bail has been rejected.

It is a case of commission of outraging the



modesty of the daughter of the informant and abusing by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. At earlier point of time, the wife of the informant has filed Complaint Case No. 574C of 2022 against the informant's side. Hence, in order to put pressure upon the appellant, this false case has been lodged. The victim has denied to get her examined by the doctor. Moreover, the occurrence took place in the house of the informant, hence, the provision under SC/ST Act shall not be applicable in the case of the appellant. The appellant is in custody since 03.11.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of 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 10.11.2022.

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 Special Judge, (POCSO Act)-cum-Additional Sessions Judge-VI, Munger in connection with SC/ST Case No. 31 of 2022, arising out of POCSO No. 50 of 2022.

(Sunil Kumar Panwar, J)

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