

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3782 of 2024**

Arising Out of PS. Case No.-15 Year-2024 Thana- Kachna District- Katihar

Chirag Mohammad @ Chirag Sk @ Chirag Md S/O Isha Miyan Resident Of  
Village -Jokalbari, Ps- Kachna, District- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Fago Devi S/o Hawa Ray R/o vill - Jokalbari, P.S. - Kachna, Distt. - Katihar

... .. Respondent/s

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Appellant/s  | : | Mr. Bimal Kumar, Advocate |
| For the Respondent/s | : | Ms. Usha Kumari 1, SPP    |
| For the Informant    | : | Mr.                       |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      14-11-2024              Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Despite service of notice upon informant, no one has appeared on his/her behalf. Perused the case diary.

2.      The instant appeal has been filed by the appellant against the order dated 11-07-2024 passed by Additional District and Sessions Judge-I-cum-Special Judge, SC/ST whereby the prayer for bail of the appellant in connection with Kachna P.S. Case No. 15 of 2024 instituted under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code (for brevity 'the IPC') and Sections 3(1)(r)(s)(w)/3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that daughter of the informant was molested by the appellant while she was going to collect firewoods. It is also alleged that he made her half naked by tearing her cloth.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. There is delay of two days in lodging of the FIR. It is submitted that there is no eye witness to the occurrence. Learned counsel next submits that no such occurrence has ever took place and the informant has lodged this case due to village politics and on the one hand, her daughter and other children destroyed the maize crops of the appellant and on the other hand, the informant lodged this case with an absurd and frivolous allegation. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 28-06-2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the



appellant. Paragraph No.2 is the restatement of the informant and she has fully supported the prosecution case. It is also submitted that witnesses have also supported the prosecution case, which fact find mentions at paragraph Nos. 6 & 7 of the case diary.

6. Considering the aforesaid facts and circumstances of the case, there being no cogent material against the appellant in the case diary and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 11-07-2024 passed by Additional District and Sessions Judge-I-cum-Special Judge, SC/ST is hereby set aside.

7. Let the appellant 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 Court below/concerned Court in connection with Kachna P.S. Case No. 15 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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