

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4623 of 2023**

Arising Out of PS. Case No.-154 Year-2023 Thana- SARSI District- Purnia

AKASH KUMAR SAH @ AKASH KUMAR SON OF BISHWANATH SAH  
RESIDENT OF VILLAGE- MATHURA TOLA, PS -SARSI DISTRICT-  
PURNEA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Md. Musowir

For the Respondent/s : Mr.Usha Kumari 1

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

2      04-01-2024                      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 02.09.2023 passed by learned Special Judge SC/ST Purnea whereby the prayer for bail of the appellant in connection with Sarsi P.S. Case no. 154 of 2023 under Section 341, 323, 324, 325, 307, 354B, 509, 506, 504, 34 of the Indian Penal Code, and sections 3(i)(r)(s), 3(2)(va) of SC/ST Act was rejected.

3. According to prosecution case, the informant alleged that the appellant and co-accused person tried to commit to commit rape with her and also assaulted her while she had gone to attend nature's call. It is further alleged that during the



occurrence they also abused her by taking her caste name.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. The appellant has not committed any offence. There is inordinate delay of four days in lodging the FIR. The appellant has not abused her in public view so no offence is made out under the provisions of the SC/ST Act against him. As per Injury Report, which is annexed as Annexure-2, injury sustained by the injured is simple in nature. It is also submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 30.07.2023.

5. The appeal for bail is opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and considering the aforesaid facts and circumstance of the case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 02.09.2023 passed in Sarsi P.S. Case no. 154 of 2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Sarsi P.S. Case no. 154 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned



Special Judge SC/ST Purnea.

(Sunil Kumar Panwar, J)

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