

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 578 of 2022

....

- | | | |
|--------------------------------------|------|-------------|
| 1. Nasim Pawariya | | |
| 2. Munnak Pawariya @ Majbul Pawariya | | Appellants |
| Versus | | |
| 1. The State of Jharkhand | | |
| 2. Mani Oraon | | Respondents |

....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants	: Mr. Kumar Nilesh, Adv.
For the State	: Mr. Praful Jojo, APP
For the Victim	: Mrs. Archana Kumari Singh, Amicus Curiae

....

04/29.09.2022 Learned counsel for the State has submitted that the victim has been informed on 24.09.2022.

In spite of information given to the victim, nobody appears on behalf of the victim.

In view of above fact, Mrs. Archana Kumari Singh, the learned counsel is appointed as Amicus to argue this criminal appeal on behalf of the victim.

Heard learned counsel for the appellants and learned counsel for the State as well as learned amicus curiae appearing on behalf of the victim.

The present appeal has been filed under Section 14A of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act.

The appellants who are in custody since 28.05.2022 and 31.05.2022 respectively have approached this Court for grant of regular bail against the order dated 17.06.2022 passed by the learned Addl. Sessions Judge-I-cum-Spl. Judge, POCSO, Lohardaga in M.C.A. No.335 of 2022 arising out of Lohardaga SC/ST P.S. Case No.06 of 2021, registered for the offence under Sections 323/ 341/ 506 of IPC and Section 3 (i)(s) of the SC/ST (PoA) Act by which prayer for bail of the appellants have been rejected.

The appellants are accused of abusing the victim.

Innocence has been claimed and undertaking has been given that the appellants will participate in the trial. It has been submitted by learned counsel for the appellants that the investigation is already complete. It has been further submitted that due to neighbourhood dispute this false case has been lodged.

On the other hand, learned APP and learned amicus curiae appearing on behalf of the victim has opposed the prayer for bail of the appellants and submitted that a person who belongs to a weaker section of the society has been abused and the SC/ST (PoA) Act is a protective legislation and it should not be misused.

Considering the period of custody and the fact that investigation is complete, the appellants, above named, are directed to be released on bail, on

furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of learned Addl. Sessions Judge-I-cum-Spl. Judge, POCSO, Lohardaga in connection with Lohardaga SC/ST P.S. Case No.06 of 2021, subject to condition that the appellants will submit self-attested photocopy of their Aadhar Card and also submit their mobile number before the learned court below which they will always keep active and will not change it during pendency of this case without prior permission of the court.

Accordingly, instant criminal appeal is allowed.

Assistance rendered by the learned amicus curiae is highly appreciable.

The learned Amicus shall be paid Rs.5,500/- which shall be paid by the Department of Home, Government of Jharkhand.

(Rajesh Kumar, J.)

Shahid/