

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1279 of 2017

Arising Out of PS.Case No. -45 Year- 2015 Thana -MAHILA P.S. District- MADHUBANI

=====

Laxmeshwar Prasad Son of Satya Narayan Mahto, Resident of village -
Sohpur, P.S. Harlakhi, District - Madhubani

.... Appellant

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate
: Mr. Nilesh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl P.P.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-07-2017 The appellant seeks bail in connection with Mahila P.S. Case No. 45 of 2015 registered for offences punishable under sections 341, 376, 504/34 of the I.P.C. and Section 4 of POCSO Act and under Section 3(x) of Scheduled Castes and Scheduled Tribes Act.

Allegation against the appellant is that informant Aasha Kumari was coming home from the shop of the Pawan Rai. On the way appellant Laxmeshwar Prasad came behind back and closed her mouth and committed rape, on hulla so many people were came there and caught the appellant and father of appellant also came there and set free the petitioner and abuses to informant on caste line and a Panchayati was fixed but appellant did not come.



It has been submitted on behalf of the appellant that from the statement made in the F.I.R. or in 164 Cr.P.C., it transpires that the present prosecution is trying to frame the appellant in a false case . Further submission is that Medical report shows that she was pregnant of 20 weeks and as such no such occurrence would have occurred. He is in custody for about eight and half months.

Heard Special P.P. also. He opposes the prayer for bail.

Having heard both sides and considering the aforementioned facts and circumstances and in view of 164 Cr.P.C. statement and medical report, this appeal is allowed, let appellant surrender before the Court of Special Judge within a period of four weeks and on his so surrendering the Court below will release him on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Madhubani in connection with Mahila P.S. Case No. 45 of 2015, subject to the following conditions:-

(i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the Court and on the event of failure on his part to appear before the Court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

veena/-

U			
---	--	--	--

