IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.967 of 2017

Arising Out of PS.Case No. -539 Year- 2016 Thana -KANTI THARMAL POWER District- MUZAFFARPUR

==========

1. Sanjay Bhagat @ Sanjay Kumar Singh, Son of Bishwanath Bhagat, Resident of Village- Laskaripur, P.S. Kanti, District Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

==========

Appearance :
For the Appellant/s : Mr. Arun Kumar
For the Respondent/s : Mr. Sri Anil Kumar Singh 1

==========

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-06-2017 The appellant seeks regular bail in connection with Kanti P.S. Case No.539 of 2016 registered for the offences punishable under Sections 376 and 511 of the Indian Penal Code and Section 3(1) (w)(I)(II) of the SC/ST (Prevention of Atrocities) Act, 1989.

Allegation against the appellant, as per the FIR, is that he tried to commit rape upon the informant and other family members.

It has been submitted on behalf of the appellant that falsity of the case will appear from paragraph 9 of the case diary in which statement of several villagers have been recorded by the I.O. and they have stated that there is land dispute between the parties and title suit is going on and they have also stated about

WEB COPY

falsity of the prosecution case. The appellant is in custody for more than six months

Heard learned Special P.P. and learned counsel for the informant also. They have opposed the prayer for bail on the ground that the other witnesses have supported the prosecution case in paragraph 2, 3, 4, 5 and 8 and so far statement made by other witnesses in paragraph 9 is concerned, it has been submitted that they have only stated about land dispute and does not disclose that the appellant has not committed such offence.

Having heard both sides, in view of the statement of the independent witnesses in paragraph 9 of the case diary, this appeal is allowed, the impugned order is set aside, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST(POCSO) Act, Muzaffarpur, in connection with Kanti P.S. Case No.539 of 2016, 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.

(ii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by

WEB COPY

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)

Arvind/-

U		T	

WEB COPY