

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2544 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -MATIHANI District- BEGUSARAI

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1. Mantoon Mahton @ Mantun Mahto, S/o Prem Mahton, Resident of
Village- Matiharni Kharidi, P.S. Matihani, District- Begusarai.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Singh

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-10-2017

Heard the parties.

The appellant seeks regular bail in connection with Matihani P.S. Case No.33 of 2017, registered for the offences punishable under Sections 376/511 of the Indian Penal Code and Section 3 (1) (W)(1) of SC/ST Act.

Allegation against the appellant is that he attempted to commit rape upon the informant.

It appears that earlier the appellant moved this Court and his prayer for bail was rejected with a direction to renew his prayer for bail after framing of charge.

Submission of the learned counsel for the appellant is that now the charges have already been framed and the appellant is in jail custody since seven months. FIR itself shows that at best



it is a case under Section 354 IPC and not under Sections 376/511 IPC. It is also submitted that allegation in FIR suggests that the petitioner is suffering from mental disease.

Heard learned Special P.P. as well as learned counsel for the informant also and they have opposed the prayer for bail.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed and impugned order dated 07.08.2017 passed by learned Special Judge, SC/ST (POA) Act, Begusarai in Matihani P.S. Case No. 33/2017 is hereby set aside.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Matihani P.S. Case no. 33 of 2017, subject to the following conditions:

(i) One of the bailors of the appellant shall be 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 co-operate in the disposal of the trial and make himself available as and when required by the



court concerned 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 will be free to move for cancellation of his bail bonds.

However, the trial court is directed to expedite the trial and try to conclude the same as early as possible preferably within a period of none months.

(Vinod Kumar Sinha, J)

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