

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2594 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -COMPLAINT CASE District- KISANGANJ

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1. Bhagwanji Singh S/o Kailash Singh Yadav, Resident of Village-
Kopwoan, P.S.- Dumraon, District- Buxar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sumeet Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-11-2017

Heard the parties.

The appellant seeks regular bail in connection with Special 61 of 1016 arising out of SC/ST Complaint Case No.05C of 2016 registered for offences punishable under Section 376 and 511 of the Indian Penal Code and Section 3(i)(e)®(s)w(i) & 3(i)(e)®(s)w(ii) (x) of SC/ST (Prevention of Atrocities Act) Act.

Allegation against the appellant is of attempt to commit rape upon the complainant.

Submission of the learned counsel for the appellant is that the lady is of Danapur and the case has been lodged at Kishanganj. The appellant is in custody for three months.

Heard learned Special P.P. and the learned counsel for the appellant. They have opposed the prayer for bail on the



ground that the appellant is still threatening the complainant and for that he has lodged FIR against the co-accused.

Having heard both sides in view of the above facts and circumstances, this appeal is allowed.

In view of the facts and circumstances, as stated above and the fact that the appellant is in custody for three months, let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Special Judge (SC/ST Act), Kishanganj in connection with Special 61 of 2016 arising out of SC/ST Complaint Case No.05C of 2016 after setting aside order dated 3.8.2017 passed by the learned Special Judge, (SC/ST Act), Kishanganj in Special 61 of 2016 arising out of SC/ST Complaint Case No.05C of 2016, 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 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 bond.



With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

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