

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2173 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -KRITYANAND NAGAR District- PURNIA

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1. Md. Moti Son of Md. Saifuddin, R/o Village- Islampur, P.S.- Kasba,
District- Purnia.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vikram Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 22-09-2017 Heard the parties.

The appellant seeks regular bail in connection with K.Nagar P.S.Cae No.131 of 2017 (Spl. Case SC/ST Act No.40 of 2017) registered for offences punishable under Sections 376/511 of the Indian Penal Code and Section 3(i)(r)(s)(w)of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant is of committing rape upon the informant.

Submission of the learned counsel for the appellant is that though she has stated in her statement under Section 164 Cr.P.C. that she has named any person and not identified any person. The appellant is in custody since 2.4.2017. The charge – sheet has also been submitted.

Heard learned Special P.P. also.



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

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 1st Addl. Sessions Judge-cum-Spl. Judge (SC/ST) Act, Purnea in connection with K.Nagar P.S.Case No.131 of 2017 (Spl. Case No.40 of 2017) after setting aside order dated 6.6.2017 passed by the learned 1st Addl. Sessions Judge-cum-Spl. Judge (SC/ST) Act, Purnea in K.Nagar P.S.Case No.131 of 2017 (Spl. Case No.40 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 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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