

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2320 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Mohan Pathak Son of Munindra Pathak @ Munijee, Resident of Village-
Bandwar, P.S.- Neema- Chandpura, District- Begusarai.

.... Appellant/s

Versus

1. The State of Bihar.
2. Smt. Rita Devi, Wife of Late Shyam Sunder Sada, Resident of Village-
Bandwar, P.S.- Neema- Chandpura, District- Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pritish Kumar Lal

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-08-2017 Heard the parties.

The appellant seeks regular bail in connection with
Complaint Case No.103C of 2016, registered for offences
punishable under Section 323, 380, 452, 420, 376& 504 of the
Indian Penal Code and Section 3(2) (v) of SC/ST (Prevention of
Atrocities Act) Act.

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

Submission of the learned counsel for the appellant is
that he has been falsely implicated in this case only due to land
dispute and he is aged about 74 years, which will appear from the
'Adhar Card' kept as Annexure-8 of the petition and the case is
based on the complaint case.



Heard learned Special P.P. also.

Having heard both sides and considering age of the appellant and also the fact that there is land dispute between the parties, 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 Sri Dharamsheel Srivastava, Special Judge, Scheduled Caste Scheduled Tribe (Prevention of Atrocities) Act, 2012, Begusarai in connection with Complaint Case No.103c of 2016 after setting aside order dated 21.7.2017 passed by Sri Dharamsheel Srivastava, Special Judge, Scheduled Caste Scheduled Tribe (Prevention of Atrocities) Act in Complaint Case No.103c 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.

(Vinod Kumar Sinha, J)

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