

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1365 of 2017

Arising Out of PS.Case No. -67 Year- 2016 Thana -POWAKHALI District- KISANGANJ

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Md. Rashid, S/o Md. Ramjan Ali, Resident of Village- Chattar Khataro,
P.S.- Powakhali, District- Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 14-07-2017 This appeal is for setting aside the impugned order dated 09.03. 2017 passed in Spl. Case No. SC/ST 1 of 2017 and for grant of regular bail in connection with Powakhali SC/ST P.S. Case No. 67 of 2016 registered for the offence(s) under section(s) 448, 341, 323, 354(B),34 of the Indian Penal Code and 3 (i) w(i) SC/ST Act.

Allegation against the appellant is that he entered inside the house of the informant and tried to outrage her modesty and torn her cloths and also assaulted her. On hulla, people assembled there but the appellant succeeded in fleeing away.

Submission of the learned counsel for the appellant is that the appellant has falsely been implicated in this case due to dispute in Panchayat election and he is in custody for seven months.

Heard learned Special Public Prosecutor also. Learned Special Public Prosecutor opposes the prayer of bail.



Having heard both sides and in view of the facts and circumstances, as stated above, this appeal is allowed and impugned order is set aside.

Let the appellant, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court (SC/ST Act), Kishanganj in connection with Powakhali SC/ST P.S. Case No. 67 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.
- (iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by 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 rhyme or reasons, the prosecution will have liberty to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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