

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3144 of 2018

Arising Out of PS.Case No. -91 Year- 2018 Thana -CHHAURADANO District-
EASTCHAMPARAN (MOTIHARI)

=====

1. Bhikhari Rai, Son of Chalitar Rai, Resident of Village - Kurminiya, P.S. -
Mahuawa (Chhauradano), District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Binod Kumar Mishra, Advocate

For the Respondent/s : Smt. Usha Kumari No. 1, S.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as the “SC/ST Act”) against the refusal of prayer
for regular bail vide order dated 18.07.2018 in Chhauradano (Mahuawa)
P.S. Case No. 91 of 2018 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at
Motihari in connection with the aforesaid case registered under Sections
341, 323, 376, 511, 506 of the Indian Penal Code as well as Section
3(i)(r)(w) of the SC/ST Act.

According to FIR, when the informant had gone to attend
the call of nature, the appellant allegedly attempted to ravish her. During
scuffle, the clothes on person of appellant also got torn. On alarm of the
informant, the people nearby reached there but the appellant fled away.



Submission is that there is counter case also. Appellant and others were assaulted by the prosecution side and just to save skin, false case has been lodged. Appellant is in custody since 24.06.2018. Appellant has got no criminal antecedent.

Considering the entire facts and circumstances of this case, let the appellant, above named, be released on bail **after framing of the charge or completion of six months of custody** on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.11.2018
Transmission Date	08.11.2018

