

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3427 of 2017

Arising Out of PS.Case No. -188 Year- 2017 Thana -SALKHUA District- SAHARSA

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1. Alok Kumar, Son of Umesh Prasad @ Umesh Yadav, Resident of
Village- Salkhua, P.O. + Thana- Salkhua, District-Saharsa.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Poddar Suresh Gandhi, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 09-03-2018

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 against the refusal of prayer for bail by the learned 1st Additional Sessions Judge/Special Judge, Saharsa, in connection with Salkhua Police Station Case No.188 of 2017 registered under Sections 376,34 of the Indian Penal Code, and Section 3(i)(w)(2)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Two persons allegedly ravished the informant when she was alone going to her parent's house. She reported the matter to the police and soon the police arrested co-accused Satyam Kumar who admitted before the police that he is one of the rapists and Satyam Kumar disclosed



name of the appellant as another rapist.

Submission of the learned counsel for the appellant is that the appellant was never put before the victim for identification. Hence, confession of co-accused before the police cannot be considered as evidence at least for the purpose of consideration of this prayer for bail. Appellant is in custody since 08.09.2017. Investigation is already complete and the appellant is ready to cooperate with the trial.

The case diary does not reveal that the appellant was put on T.I.Parade before the victim ever, hence, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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