

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.1790 of 2018**

Arising Out of PS.Case No. -31 Year- 2018 Thana -CHAURI District- BHOJPUR

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Mantosh Kumar Son of Jitu Saw @ Jitu Sah R/o Village-Caw Nisarpura, P.S.-  
Kanpa, District-Patna

.... .... Appellant/s

Versus

The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bam Bahadur Jha, Adv

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 05-11-2018**

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 against the refusal of prayer for bail by order dated 21.03.2018 in SC/ST Case No.60 of 2018, Chauri P.S.Case No.31 of 2018 passed by the learned 1<sup>st</sup> A.D.J., Ara registered under Sections 376(D)/376 of the Indian Penal Code, 2(i) 4/6 POSCO Act, 2012 and Section 3(i)(r)(s)(w)(i)(ii)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegation of commission of rape is against co-accused Birbahadur Singh and Akhilesh Kumar @ Banta. After the occurrence in the morning, Birbahadur Singh, Akhilesh Kumar @ Banta and this appellant brought the victim on a motorcycle near her village and left her.



Submission is that the appellant was not present at any point of the occurrence of commission of rape and prior thereto. There is no allegation that the appellant had knowledge that what was committed against the informant.

Finding substance in the submission aforesaid, 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further 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.

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

**(Birendra Kumar, J)**

Nitesh/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 06.11.2018 |
| Transmission Date | 06.11.2018 |

