

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.293 of 2019

Arising Out of PS. Case No.-188 Year-2018 Thana- WARISNAGAR District- Samastipur

Manoj Sahni , aged about 38 years (Male), son of Baleshwar Sahni, Resident of Village – Chandharpur, P.S. Kalyanpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-02-2019 This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 03.12.2018 passed by Special Judge SC/ST Act, Samastipur, in connection with Warisnagar P.S. Case No. 188 of 2018, registered under Sections 323, 341, 354, 504/34 of the Indian Penal Code and Section 3 (1) (r) (w) (s) of SC /ST Act.

Allegation against appellant and other co-accused is of abusing and thereafter appellant and one Baleshwar Sahni tried to disrobe her and on hulla some villagers came and save her.

It has been submitted on behalf of the appellant



that he is innocent and has been implicated in this case due to village rivalry. There is case and counter case in between the parties. He has no criminal antecedent and is in custody since 23.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- (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, with following conditions :

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.



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

(S. Kumar, J)

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