

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.202 of 2019

Arising Out of PS. Case No.-291 Year-2018 Thana- BELAGANJ District- Gaya

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Pappu Sharma, aged about 30 years, Gender-Male, son of Brij Kishore Sharma, Resident of Village-Paleya, P.S.-Makhdumpur, Dist.-Jehanabad

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shivendra Prasad, Adv.

For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

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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, against the refusal of prayer for bail by order dated 05.12.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Gaya, in connection with POCSO Case No. 101 of 2018, arising out of Belaganj P.S. Case No. 291 of 2018, registered under Sections 341, 323, 376, 511 of the Indian Penal Code, Section 3 (1) (r) (w) (I) of SC /ST Act and Section 8 of the POCSO Act.

Informant who is victim has alleged in her written complaint that on 23.09.2018 while she was going to attend call of nature in a lonely place appellant tried to commit rape on her but on raising Alarm Malti Devi reached there who was also assaulted by the appellant. Thereafter police was informed and in course of inquiry he disclosed his name as Pappu Sharma



(Appellant). It is further alleged that the appellant is guard of road contractor who was doing work at NH 83.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. He has no criminal antecedent and is in custody since 24.09.2018.

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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