

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.238 of 2019**

Arising Out of PS. Case No.-46 Year-2018 Thana- SAKATPUR District- Darbhanga

Gopal Kumar Choudhary, aged about 23 years, (M) Son of Late Binod Kumar Choudhary resident of village-Lagma,P.S-Sakatpur, District-Darbhang

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Jha

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 06-03-2019 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 **31.10.2018** passed by learned **1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga** in connection with **POCSO G.R. No. 26 of 2018 arising out of Sakatpur P.S. Case No. 46 of 2018** registered under Sections 363, 366 (A), 376 and 506 of the IPC, under Section 4/6 of the POCSO Act and Section 3(1) (r) (s) / 3 (1) (xii) / 3 (1) (w) (i) (ii) of SC/ST (Prevention of Atrocities) Act.

Informant is the father of victim who in his written complaint has alleged that appellant had established physical



relation with his minor daughter on promise of marriage and subsequently he refused to marry her.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. Charges had been framed against the appellant and he is facing trial. Witnesses examined on behalf of the prosecution have turned hostile and even the victim girl and informant have turned hostile. Appellant has got no criminal antecedent and is in custody since 08.07.2018.

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/- 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 the Court and his absence on two consecutive dates without sufficient reason, 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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