

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.279 of 2019

Arising Out of PS. Case No.-210 Year-2018 Thana- SIDHWALIYA District- Gopalganj

Abhishek Singh aged about 20 years, gender, Male, son of Uday Shankar Singh alias Dayashankar Singh Resident of Village- Khwajepur, P.S.- Jadopur, District- Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 23-01-2019 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 14.12.2018 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, Gopalganj in connection with Sidhwalia P.S. Case No.210/2018, G.R. No.4668/2018 registered under Sections 376 of the Indian Penal Code, Section 3/4 of POCSO Act and Section 3(i)(ii), 3(ii) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged that her daughter Urmila Kumari had gone to see Durga Puja fair but in crowd she was left there and after much search, she could not be traced out. On



the next morning, she came to know that her daughter is at Sidhwalia police station. Thereafter, she went there and her daughter said that after leaving her, while she was returning home, the appellant and other accused person intercepted her and by pressing her mouth, committed illegal act with her.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. It has further been submitted that from the medical report, it appears that no injury on her private part or sexual assault was found and the victim in her statement recorded under Section 164 Cr.P.C., has not disclosed the name of petitioner rather she has named unknown person of having committed the crime who were apprehended on the spot by the police. Appellant has no criminal antecedent and he is in custody since 18.10.2018.

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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