

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.481 of 2019

Arising Out of PS. Case No.-294 Year-2018 Thana- PUNPUN District- Patna

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MUKESH KUMAR, age 23, Male, Son of Mohan Pandit, Resident of Village
- Mangali Chak P.S. Parsa Bazar District Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	N.K. Agrawal, Adv. Mr.Ajay Kumar, Adv. Mr. Praveen Kumar, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 27-03-2019 Heard the parties.

This is an appeal under Section 14 (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 24.11.2018 passed by learned IV Additional Sessions Judge-cum- Special Judge, SC/ST Act, Patna, in connection with Punpun P.S. Case No. 294 of 2018, (Special Case No. 573 of 2018), registered under Sections 323, 341, 376, 504 of the Indian Penal Code and Section 3 (1) (xii) of SC /ST Act.

Informant in her written complaint has stated that appellant abused and assaulted her. Allegation is that he called her in his mall on 18.10.2018 and established physical relation with her and threatened that if she will disclosed it he will kill



her husband.

It has been submitted on behalf of the appellant that the allegations are false and concocted. There is unexplained delay of 10 days in instituting the F.I.R. as the offence is of 18.10.2018 whereas written complaint has been made on 28.10.2018. Appellant has no criminal antecedent and is in custody since 01.11.2018.

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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