

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.473 of 2019

Arising Out of PS. Case No.-469 Year-2017 Thana- TEKARI District- Gaya

PRASHANT TRIPATHI @ MUNNU TRIPATHI son of Late Ramdhari
Tripathi R/o village- Kharagpura, P.S- Tekari, District- Gaya

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rama Kant Sharma, Sr. Adv
For the Respondent/s : Mrs.Usha Kumari No. 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-02-2019 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 04.01.2019 passed by learned **Exclusive Special Judge SC/ST, Gaya**, in connection with **Tekari P.S. Case No. 469 of 2017** registered under Sections 376 and 511 of the IPC and Section 3(i)(r)(s)(w)(i)(ii) of SC/ST (Prevention of Atrocities) Act.

Informant in her written complaint has alleged that while she was cutting paddy crop in the field of petitioner, petitioner tried to outrage her modesty and anyhow she fled away and



informed her husband. He also abused her by her caste name.

It has been submitted on behalf of the petitioner that he is innocent and having no criminal antecedent and due to dispute arising out of wages this false and concocted case has been instituted against him. Appellant has got no criminal antecedent and is in custody since 30.12.2018.

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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