

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.465 of 2019**

Arising Out of PS. Case No.-946 Year-2018 Thana- MASAUDHI District- Patna

BHOLA KUMAR SINGH Son of Satendra Singh @ Salendra Singh Resident
of Village- Ghorhua.P.S.-Masaurhi District-Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Satrudhan Kumar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 26-03-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 16.01.2019 passed by learned 4th Additional District & Sessions Judge-cum Special Judge, SC/ST, Patna, in connection with Masaurhi P.S. Case No. 946 of 2018, Special Case No. 671 of 2018 registered under Sections 448, 376, 511, 504, 506 of the Indian Penal Code and Section 3(1)(r)(v) SC/ST Act.

Informant in her written complaint has alleged that on 12.12.2018 at about 9.30 PM appellant entered her house after climbing the wall and tried to commit rape upon her when she was sleeping and also abused her by her caste name and



threatened to kill her.

It has been submitted on behalf of the appellant that appellant is innocent and has been falsely implicated in this case due to village rivalry and previous litigation. Appellant has no criminal antecedent and he is in custody since 15.12.2018.

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/-(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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