

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.666 of 2019**

Arising Out of PS. Case No.-253 Year-2018 Thana- KHODAWANDPUR District- Begusarai

DEEPAK MAHTO @ DEEPAK KUMAR, Male ,aged about 19 years, Son
of Shyam Narain Mahto @ Shyam Narayan Mahto R/o village-Chalki, P.S-
Khodawandpur, Dist- Begusarai.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

3 27-03-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC &
ST (Prevention of Atrocities) amendment Act, 2015, against the
refusal of prayer for bail by order dated 22.01.2019 passed by
learned Special Judge, SC/ST (Prevention of Atrocities Act),
Begusarai, in connection with Khodawandpur P.S. Case No.
253 of 2018, registered under Sections 341, 323, 324, 379, 354
(A), 504, 506, 34, 376, 511 of the Indian Penal Code and
Section 3 (i) (r) of SC /ST Act.

Informant has alleged that on 05.12.2018 in the
morning while she was going for walk then co-villager Rajaram
Mahto, Deepak Kumar, Jainarain Paswan have caught hold of
her and on the strength of pistol committed rape upon her and



allegation against appellant is that he help the accused in commission of such crime however on raising her alarm they assaulted her and fled away.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The allegations are false and concocted. There is case and counter case and the case is instituted by the father of the appellant is previous in time and the present case has been filed in retaliation of the said case. Appellant has no criminal antecedent and is in custody since 06.12.2018.

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 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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