

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.638 of 2019**

Arising Out of PS. Case No.-281 Year-2018 Thana- MOKAMAH District- Patna

MANISH KUMAR @ BHANU @ MONU Son of Anil Prasad Singh  
Resident of Village - More (West), P.S-Mokama, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Uday Shankar Choudhary  
For the Respondent/s : Mr.Sadanand Paswan

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

3      01-04-2019                      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 17.01.2019 passed by learned Special Judge, POCSO, Patna, in connection with Mokama P.S. Case No. 281 of 2018 corresponding to Spl. Case No. 242 of 2018 registered under Sections 376, 354, 506, 34 of the Indian Penal Code, Section 8/12 of POCSO Act and Section 3(w) (1)SC/ST Act, 1989.

Informant who is the victim has stated in her fardbeyan that on 08.12.2018 at 12 'o' clock mid day she alongwith her friend Manisha and Meera Kumari were in the More Taal for cutting grass then accused Hampy @ Ravi Shankar Kumar and Manish Kumar (appellant) came there.



Allegation against Hampy @ Ravi Shankar is forcibly catching her hand and Manish Kumar and one unidentified person threatened them and took them in the field and prepared their video and forcibly asked them to cut the spinach plant and there is specific allegation against Hampy @ Ravi Shankar of committing rape with her.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. One day prior to the alleged occurrence FIR was instituted by the elder brother of petitioner Dinbandhu Kumar against the informant that they were cutting the spinach plant from their field without their consent and permission and when they were caught their family members came and assaulted the petitioner, as a result of which, he sustained grievous injuries and was admitted to referral hospital from where he was referred to PMCH. It has been further submitted that present case has been filed in the retaliation as a counter blast of the said case. Appellant has no criminal antecedent and he is in custody since 19.12.2018.

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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