

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.726 of 2019

Arising Out of PS. Case No.-301 Year-2018 Thana- LAURIA District- West Champaran

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DIPU CHOUBEY, aged about 22 years, (M) S/o Shanti Choubey R/o
Village- Gonauli, P.S.- Lauriya, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-03-2019 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 **18.01.2019** passed by learned **Additional Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran**, in connection with **Lauriya P.S. Case No. 301 of 2018** registered under Sections 457, 341, 376, 511, 354 and 323 of the IPC and Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged that on 22.09.2018 at about 8:00 P.M. appellant entered his house with bad intention and outrage the modesty of his wife and tried to commit rape upon her and



on alarm being raised by her rest of the family members came and he was apprehended by the villagers and handed over to the police.

It has been submitted on behalf of the appellant that allegations against appellant are false and concocted. He has no criminal antecedent and on account of enmity he has been implicated in this case. He is in custody since 24.09.2018.

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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