

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.692 of 2019**

Arising Out of PS. Case No.-384 Year-2018 Thana- SAHEBPUR KAMAL District-  
Begusarai

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VIPIN MAHATO @ BIPIN KUMAR MAHTO @ LOHARA, aged about 48 years, (M) Son of Rambaran Mahto R/o village- Kharahat, Ward No. 8, P.S- Sahebpur Kamal , Distt.- Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Randhir Kumar No.1  
For the Respondent/s : Mr.Usha Kumari 1

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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 **Special Judge SC/ST (POA) Act, Begusarai**, in connection with **Sahebpurkamal P.S. Case No. 384 of 2018** registered under Section 376 of the IPC and Section 3 (i) (w), 3(i) (r) (v) of SC/ST (Prevention of Atrocities) Act.

Informant who is the father of the victim girl has alleged that on 21.11.2018 at about 12 noon, appellant committed rape upon her daughter.



It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. In the medical report there is no sign of any injury or any sexual assault on the body of the victim. Appellant has got no criminal antecedent and is in custody since 28.11.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

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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