

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.767 of 2019

Arising Out of PS. Case No.-656 Year-2018 Thana- NARPATGANJ District- Araria

1. MD. EKWAL, aged about 21 yeas, Gender- Male, Son of Md. Usman Resident of Village - Parmanandpur, P.S.- Birpur, Distt - Supaul, presently Residing at Ward No. 4 Basmatia Bazar, P.S.- Narpatganj (Basmatia), Distt - Araria.
2. Nand Kishror Jha, aged about 21 years, Gender- Male, Son of Udit Narayan Jha Resident of Village - Basmatia, Ward No. 4, P.S.- Narpatganj (Basmatia). Distt - Araria.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Jha, 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) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 18.01.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special (POCSO) Case No. 54 of 2018 arising out of Narpatganj (Basmatiya) P.S. Case No. 656 of 2018, registered under Sections 376/511, 379, 411/34 of the Indian Penal Code, Section 8 of POCSO Act and Section 3 (i) (e) (w), (i), (ii) of SC /ST Act.

Informant has alleged that appellants started



teasing her daughter while she was returning home on way upon which they started raising alarm whereupon both were apprehended and handed over to the police.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case due to village rivalry. Appellants have no criminal antecedent and are in custody since 15.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each 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) Appellants 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, their bail bond shall be cancelled by the court below.
- (3) If the appellants 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 appellants.

Accordingly, the impugned order is set aside and this
appeal stands allowed.

(S. Kumar, J)

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