

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.782 of 2019**

Arising Out of PS. Case No.-598 Year-2018 Thana- BIKRAMGANJ District- Rohtas

MADHUP KUMAR @ MADHUP KUMAR PANDEY (Male) aged about 50 years, Son of Sh. Brahaspati Pandey, Resident of Village - Karahansi, P.S.- Natwar, District - Rohtas

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Namrata Mishra, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 12-03-2019 Heard the parties.

This is an appeal under Section 14(i) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for bail by order dated 24.01.2019 passed by learned 1st Additional Sessions Judge, Rohtas at Sasaram , in POCSO Case No. 01 of 2019, arising out of Bikramganj P.S. Case No. 598 of 2018, registered under Sections 376 of the Indian Penal Code and Section 3 (1) (w) of SC /ST Act.

Informant has alleged in her written complaint that the appellant who runs a nursing home and she is a divorcee having 3 years old son and appellant established physical relation with her for last three years and subsequently she came to know that he is a married person and thereafter she has been



removed from employment and is not being paid her salary for last five months.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case on the basis of false and concocted case. The allegations are not supported by any material and only because she was removed he has been booked up this false case. Appellant has no criminal antecedent and is in custody since 01.01.2019.

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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