

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.955 of 2019

Arising Out of PS. Case No.-366 Year-2018 Thana- BRAHMPUR District- Buxar

MUSA YADAV @ ABHISHEK KUMAR aged about 22 years Gender-Male
Son of Kheladi Yadav @ Khelari Yadav Resident of Village - Sowa, P.S.-
Krishna Brahm, Distt - Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-03-2019 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 **08.02.2019** passed by learned **ADJ 1st cum Special Judge, POCSO Act, Buxar**, in connection with **POCSO Case No. 41 of 2018 (CIS No. 38 of 2018) arising out of Brahmpur (Krishna Brahm) P.S. Case No. 366 of 2018** registered under Sections 323, 379, 441, 354B, 509/34 of the IPC and Section 3(i)(R)(R)(ii),(iii) and V of SC/ST (Prevention of Atrocities) Act and Section 4/8 of the POCSO Act.



Allegation against the appellant is that he tried to outrage the modesty of Informant and also attempted to commit rape upon her, however, when her mother arrived accused-Appellant fled away.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to village rivalry. Appellant has got no criminal antecedent and is in custody since 24.01.2019.

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/- 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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