

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1116 of 2019

Arising Out of PS. Case No.-141 Year-2018 Thana- MAHESI District- East Champaran

MANCHHI S/o Karim Mian @ Md. Karim Rain R/o Village- Mogal Pura,
P.S.- Mehshi, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-04-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A) (2) of SC & ST
(Prevention of Atrocities) Amendment Act, against the refusal of
prayer for bail by order dated 20.02.2019 passed by learned 1st
Additional Sessions Judge-cum-Spl. Judge, East Champaran,
Motihari in connection with Mehshi P.S. Case No. 141 of 2018
registered under Sections 363, 376, 511 and 506 of the IPC and
Section 8/18 of the POCSO Act and Section 3(X)(III) of the
SC/ST Act.

Informant in his written complaint has stated that on
21.05.2018 at about 3.45 p.m., his daughter came weeping and
narrated him that appellant wanted to outrage her modesty and
also tried to commit rape upon her but when she raised alarm,
nearby women assembled there and he fled away.



It has been submitted on behalf of the appellant that appellant has been falsely been implicated in this case due to animosity between the families. FIR was instituted after two days of occurrence. Petitioner has no criminal antecedent and he is in custody since 18.11.2018.

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/- (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:-

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(iii) 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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