

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1264 of 2019**

Arising Out of PS. Case No.-71 Year-2018 Thana- PIPRA District- Patna

MANISH THAKUR Son of Pradeep Thakur Resident of Village- Lochna,  
P.S.- Punpun, District- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                     |
|----------------------|---|-------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Surendra Kumar Singh, Adv.<br>Mr. Sudha Chandra, Adv.<br>Ms. Tulika Singh, Adv. |
| For the Respondent/s | : | Mr. Binay Krishna, (Spl. P.P.)                                                      |

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      02-04-2019      Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, 2015 against the refusal of prayer for bail by order dated 22.01.2019 passed by learned 1st Additional District Judge-cum- Special Judge, POCSO Act, Patna, in connection with POCSO Case No. 159 of 2018, arising out of Pipra P.S. Case No. 71 of 2018, registered under Sections 376/511 of the Indian Penal Code, Section 8 of the Protection of Children from Sexual Offences Act and Section 3 (w) (ii) of SC /ST Act.

Informant has alleged in her written complaint that on 17.08.2018 at about 11:30 A.M. she had gone to take injection from appellant with his brother and it is further



alleged that he tried to commit rape with her. However in her statement under Section 164 of Cr.P.C. she has given a different story and there is no allegation of any intention to commit any crime against her and she became nervous as appellant started checking her blood pressure and heartbeat and in a wrong motion threw away his stethoscope .

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case as the party are on litigating terms and there is land dispute. Appellant is in custody since 17.08.2018.

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 :

- (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)**

Rajiv/-

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