

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4775 of 2018

Arising Out of PS. Case No.-290 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

Md. Karim @ Karim Mian, son of Kyamodin Miya @ Md. Kiyamuddin,
Resident of Village- Mahuawa, Police Station- Kachaikot, District- Gopalganj

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Mishra, Adv.

For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 15-02-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 17.11.2018 passed by learned 1st Additional Sessions Judge, Gopalganj, in connection with Kuchaikote P.S. Case No. 290 of 2018, registered under Sections 341, 323, 354-A of the Indian Penal Code and Section 3 (1) (r) (w) of SC /ST Act.

Informant has alleged that on 02.10.2018 when she was coming her house with a bundle of grass appellant tried to outrage her modesty and tried to commit rape upon her but on raising alarm he could not succeed and when he tried to escape he was caught by informant and his brother and handed over to the police.



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 and enmity. He has no criminal antecedent and is in custody since 02.10.2018.

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)

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