

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4659 of 2018

Arising Out of PS. Case No.-257 Year-2018 Thana- NAUTAN District- West Champaran

Raj Kishore Prasad Son of Chanchal Prasad, Resident of Village- Jamunia,
Gheraw Tola, Police Station- Jagdishpur, District- West Champaran at Bettiah.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Shanker Prasad, Advocate
For the Respondent/s : Mr.Smt Usha Kumari No-1(APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of SC & ST (Prevention of Atrocities Act, against the refusal of prayer for bail by order dated 20.11.2018 passed by learned 1st Additional Sessions Judge-cum-special Judge, S.C./S.T. (Prevention of Atrocities) Act, West Champaran at Bettiah, in connection with Nautan (Jagdishpur) P.S. Case No. 257 of 2018, corresponding Bail Petition No. 4145 of 2018, registered under Sections 341, 323, 354(B), 376, 504, 506/34 of the Indian Penal code and Sections 3(1)(H)(r)w(ii) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act.

Appellant, who is in custody, seeks bail in connection with Nautan (Jagdishpur) P.S. Case No. 257 of 2018 registered for the offences punishable under Sections 341, 323,



354(B), 376, 504, 506/34 of the Indian Penal Code and Section

Informant has alleged that she used to work as maid (dai) in the nursing home of the appellant and she was sexually abused by him and was promised that he will marry him as his wife remained ill. However, even after death of his wife he refused to marry her and solemnized marriage with another women and both of them abused and assaulted and kicked her out of the nursing home.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case and she was working as a Class-IV employee and all her dues were paid to her by a cheque of Rs. 50,000/- which was encashed by her and present case has been lodged only to blackmail him. Earlier also the informant has instituted such type of cases against other to extort money as stated in para 10 of this petition.

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 his 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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