

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.14 of 2019

Arising Out of PS. Case No.-449 Year-2018 Thana- KAHALGAON District- Bhagalpur

Opla Mandal @ Upendra Mandal s/o Late- Baijnath Mandal Resident of
village- Pannuchak, P.S- Ghogha Dist- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlendu Shekher Thakur
For the Respondent/s : Mr.Smt Usha Kumari No

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 20-02-2019 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 18.08.2018 passed by learned **Special Judge SC/ST, Bhagalpur** in connection with **Kahalgaon(Ghogha) P.S. Case No. 449 of 2018** registered under Sections 341, 323, 504, 325, 354B of the IPC and Section 3(1)(r)3(2)(va) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged that while she was going to her paddy field accused-appellant assaulted her and also tried to outrage her modesty and when her husband tried to protect her he was also assaulted by the petitioner.

It has been submitted on behalf of the appellant that the



allegations are false and concocted. Informant or her husband has not suffered any injury as such same has not been mentioned in the order passed by the Special Court. Appellant has got no criminal antecedent and is in custody since 02.08.2018.

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/- 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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