

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.106 of 2019

Arising Out of PS. Case No.-288 Year-2018 Thana- RAMNAGAR District- West Champaran

Anesul Rahman @ Alisul Rahman @ Anisur Rahman son of Bigan Mian,
resident of village- Dainmarwa, P.S.- Ramnagar District- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kr Singh No. 1

For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 08-02-2019 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 **28.11.2018** passed by learned **1st Additional Sessions Judge cum Special Judge, West Champaran at Bettiah**, in connection with **B.P. No. 4018 of 2018 arising out of Ramnagar P.S. Case No. 288 of 2018** registered under Sections **354(A), 354(C), 354(D) and 506** of the IPC and Section 3(i)(w) of SC/ST (Prevention of Atrocities) Act and Section 12 of the POCSO Act.

Informant who is the father of minor girl has stated in his written complaint that on 27.09.2018 at about 7:00 am when his minor daughter had gone to attend the call of nature,



petitioner caught her and on protest being made by her he took out his knife and threatened her, however, on alarm being raised by her minor daughter, the nearby villagers assembled and she was released from the clutches of the petitioner.

It has been submitted on behalf of appellant that both Informant and appellant are neighbour and there is dispute of drainage between the parties as such he has been falsely implicated in this case. Appellant has got no criminal antecedent and is in custody since 27.09.2018.

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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