

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1947 of 2018

In
CRIMINAL MISCELLANEOUS No.26453 of 2018

Arising Out of PS. Case No.-115 Year-2017 Thana- CHANAN District- Lakhisarai *

Umesh Modi S/O MOHAN MODI Resident of Mananpur,P.O-Mananpur
Bazar,P.S-Chanan, Distt-Lakhisarai

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Pratap Singh

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 11-03-2019 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 **21.03.2018** passed by learned **Additional District and Sessions Judge- Ist, Lakhisarai**, in connection with **Chanan P.S. Case No. 115 of 2017 (POCSO Case No. 42 of 2017)** registered under Sections 376, 366 (A) and 34 of the IPC and Section 3 (i) (xi) of SC/ST (Prevention of Atrocities) Act and under Section 8 of the POCSO Act.

Informant who is a victim girl has alleged that on assurance of marriage appellant took her to Gujrat and forcible established physical relation with her and when she asked him



to marry, he refused and abused her and thereafter threatened to kill her.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due ulterior motive. Allegations are false, concocted and manufactured. Appellant is a student of Matriculation having no criminal antecedent and is in custody since 05.03.2018.

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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