

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2700 of 2019

Arising Out of PS. Case No.-125 Year-2017 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Binod Kushwaha @ Binod Koeri @ Binod Kumar, aged about 30 years,
Male, Son of Late Shivmuni Koeri, Resident of Village- Bajardihawa, P.S.-
Bhagwanpur, District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajani Kant Pandey, Adv

For the Respondent/s : Mr.Binay Krishna (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 11-09-2019 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 24.11.2018 passed by learned 1st Additional Sessions Judge-cum- Special Judge, Kaimur at Bhabua, in connection with Bhagwanpur P.S. Case No. 125 of 2017, registered under Sections 366A, 504, 506/34 and 376 D of the Indian Penal Code and Section 6 of the POCSO Act, and Section 3(i)(w)3(ii)(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has alleged in his written compliant that on 25.08.2017 at about 4:00 A.M. his daughter Chanda Kumari aged about 16 years and one Seema Kumari neighbouring girl



fled from their house and on inquiry it was found that his daughter Chanda Kumari has been enticed away by the appellant.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to previous enmity. Appellant has no criminal antecedent and he is in custody since 02.09.2017. Earlier bail application of appellant was rejected vide order dated 26.02.2019 as contained in Annexure-1. Appellant has no criminal antecedent.

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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