

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4243 of 2018**

Arising Out of PS. Case No.-33 Year-2018 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Mahabali Miyan Son of Roshan Miya @ Roshan Sah @ Raushan Miyan
Resident of Village- Patesar, Police Station Chand, District- Kaimur (Bhabua)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramesh Kumar Singh, Advocate
For the Respondent/s : Smt Usha Kumari No.1, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 19-06-2019**

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 vide order dated 22.09.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Kaimur at Bhabua, in SC/ST Reg. No. 83 of 2018, arising out of Mahila (Bhabua) Police Station Case No.33 of 2018, registered under Section 376 of the Indian Penal Code and Section 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that he



committed rape against the informant, a married lady aged about 40 years. The victim had supported the allegation in her statement under Section 164 Cr.P.C. Hence, this Court refused the prayer for bail on 11.09.2018 vide order at Annexure-1 with direction to the learned trial Judge to expedite and conclude the trial preferably within nine months.

The appellant is in custody since 11.07.2018. The report of the learned trial Judge reveals that prosecution evidence is going on and the trial is still pending either for the reason of transfer of the presiding officer or for the reason of long leave of the presiding officer.

Submission of the learned counsel for the appellant is that the appellant is a man of clean antecedent and due to dispute between the two families for right to use the way false case has been lodged. The allegation has not been found corroborated by the medical evidence. The appellant is ready to fully cooperate with the trial.

Learned counsel for the informant opposed the prayer for bail.

Considering the entire facts aforesaid and chances of non-conclusion of trial in near future, let the appellant, above



named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	
Transmission Date	

