

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4210 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- MALSALAMI District- Patna

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RAMESHWAR MAHTO @ BHAGAT JI @ RAM ISHWAR MAHTO Son of
Late Jagdish Mahto Resident of Mohalla-Purvi Nandgola, Police Station
Malsalami, Distt.-Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rama Kant Sharma, Sr. Adv.
	:	Mr. Lakshmi Kant Sharma, Adv
For the Respondent/s	:	Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 15-02-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 18.07.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Patna, in connection with Special (POCSO) Case No. 88 of 2018 arising out of Malsalami P.S. Case No. 178 of 2018 registered under Section 354(B) of the Indian Penal Code and Section 8/12 of Protection of Children from Sexual Offence Act and Sections 3(1)(x) SC/ST (Prevention of Atrocities) Act.

Informant has alleged that on 13.05.2018 at about 9.30 PM she had gone to Bhagat Ji Rameshwar Mahto (petitioner) alongwith her parents for the treatment as she was



suffering from fever from last ten days. She has further alleged that petitioner took her alone in a lonely place and started teasing her and tried to commit rape upon her and also threatened her that Pichash will come back on her.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to local politics. It has been further submitted that statement of victim recorded under 164 of Cr.P.C. in which she has stated that she is a student of Intermediate and her age is 17 ½ years . Appellant has no criminal antecedent and he is in custody since 06.07.2018. Charge sheet has been submitted.

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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(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.

(S. Kumar, J)

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