

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.149 of 2019

Arising Out of PS. Case No.-563 Year-2017 Thana- FATUA District- Patna

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Sawan @ Sawan Kumar, son of Jhimmi Prasad @ Jhimmi Gop, resident of
Village - Mirzapur, Nohata, Police Station, Fatuha, District, Patna

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ravi Kant Kumar
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 28-01-2019 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 26.10.2018 passed by the learned Additional District and Sessions Judge 1st Patna-cum-Special Judge POCSO, Patna in connection with Special Case No.188(A)/2017 arising out of Fatuha P.S. Case No.563/2017 registered under Sections 354(B)/34 of the Indian Penal Code, Section 3(1)(R) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 8 of POCSO Act.

Informant has alleged that while going to school, F.I.R. named accused including the appellant used to abuse her. Further allegation that on 11.12.2017 while she was returning to



her home with practical copy, F.I.R. named accused started abusing her and one co-accused, Tula caught her hand as a result of which she started weeping then all fled away.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. It has further been submitted that there is no specific allegation made against the appellant. Appellant has no criminal antecedent and he is in custody since 26.10.2018.

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)

Sanjay/-

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