

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4170 of 2018

Arising Out of PS. Case No.-698 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

Pintu Kumar Thakur, S/o Kedar Thakur, resident of Village Bansa, P.S.
Sasaram (M), District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 11-01-2019

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 **05.07.2018** passed by learned **Addl. Sessions Judge-1st, Rohtas at Sasaram**, in connection with **Registration Case No. 143 of 2018 arising out of Sasaram(Muffasil) P.S. Case No. 698 of 2018** registered under Section 376 of the IPC and Section 3(i)(w)(i)(ii) of SC/ST (Prevention of Atrocities) Act.

Informant has alleged in her written complaint that she is a labourer and resides with her other associates and on 01.05.2018 between 11 pm to 12 pm, appellant Pintu Kumar Thakur took her to a lonely place on the strength of pistol



committed rape upon her.

It has been further stated that the appellant has criminal record and has been sent to jail many times. It has been submitted on behalf of the appellant that he has one antecedent and the victim was examined by the medical board in which no finding is recorded of rape being committed upon her.

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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