

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4612 of 2018**

Arising Out of PS. Case No.-17 Year-2018 Thana- RISIYAP District- Aurangabad

Rakesh Singh @ Bholi Singh, Son of Sri Vishwanath Singh, Resident of  
Village- Karma Misir, P.S.- Risiup District- Aurangabad (Bihar).

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Sanjana

For the Respondent/s : Mr.Smt Usha Kumari No-1

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

3      10-01-2019      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 **22.11.2018** passed by learned **1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad**, in connection with **Risiup P.S. Case No. 17 of 2018** registered under Sections 376, 511, 504, 506/34 of the IPC and Section 3(i)(r)(s)/3(i)(w)(i)/3(2)(v) of SC/ST (Prevention of Atrocities) Act and Section 8 of the POCSO Act.

Informant in her written complaint has alleged that while she had gone to the hand pipe to take water, appellant took her in the mustard field and tried to commit rape upon her.

It has been submitted on behalf of the appellant that he is



innocent and has been falsely implicated in this case as the cattle of Informant used to graze in his field which was protested by him. It has been further submitted that the allegations of abuse by caste name and assault is false and concocted. Appellant is in custody since 20.09.2018.

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)**

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