

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3517 of 2018

Arising Out of PS. Case No.-395 Year-2012 Thana- MAHILA P.S. District- Rohtas

Chandan Chaudhary S/o Late Raghunandan Chaudhary, resident of Mohalla-
Pali Dehri, P.S.- Dehri, District- Rohtas.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Tiwari
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

7 31-01-2019 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 **13.08.2018** passed by learned **1st Additional Sessions Judge, Rohtas at Sasaram**, in connection with **Registered Case No. 211 of 2017 arising out of Mahila (Dehri) P.S. Case No. 395 of 2012** registered under Sections 376(g) of the IPC and Section 3(i)(xii) of SC/ST (Prevention of Atrocities) Act.

The FIR relates to an occurrence of kidnapping of the daughter of the informant. The victim supported the allegation of commission of rape by co-accused Chandan Kumar Chaudhary and others.

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



innocent and has been falsely implicated in this case. He is not named in FIR. It has been further submitted that Chandan Kumar against whom there is specific allegation of committing rape with the Informant is another accused person, who has been acquitted by the learned court below and the appellant is Chandan Chaudhary who has no concern with the alleged occurrence. He has been implicated subsequently in this case on the basis of confession of co-accused. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court as contained in Annexure-2. Appellant has got no criminal antecedent and is in custody since 06.12.2017.

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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