

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4023 of 2018

Arising Out of PS. Case No.-74 Year-2017 Thana- SC/ST District- Jamui

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Jitendra Chauhan S/o Late Jagarnath Noniya, Resident of Village- Hardimoh,
P.O.- Pordhan Chack, P.S.- Khaira, District- Jamui.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prabhat Ranjan Singh
For the Respondent/s : Mr.Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 18-01-2019 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 27.08.2018 passed by learned Additional Sessions Judge 1st, Jamui in Jamui SC/ST P.S. Case No. 74 of 2017 registered under Sections 341, 323, 354B, 504, 506 of the Indian Penal Code and Section 3(i)(r)/ 3(2)(va)/ 3i (w) of the SC/ST Prevention of Atrocities Act.

Informant is the mother of victim, who in her written complaint has stated that while she and her minor daughter aged about 16 years were sleeping, suddenly at 11:00 PM petitioner entered into the room and tried to commit rape on his minor daughter and on protest used filthy language and abused her by



her caste name.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to some dispute with respect to grazing of cattle of informant in his field. Appellant has no criminal antecedent and charge sheet has already been submitted in this case in which according to report submitted by the S.P. pursuant to direction of this Court, the statement of the victim was recorded under 161 of Cr.P.C. after submission of charge sheet and statement has been recorded in supplementary investigation. Appellant has no criminal antecedent and he is in custody since 25.07.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with 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.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

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