

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4166 of 2018**

Arising Out of PS. Case No.-42 Year-2018 Thana- MAHILA PS District- Jamui *

=====

Krishna Manjhi S/o Late Gobardhan Manjhi, Resident of Village-
Mangobandar, Police Station-Khaira, District.-Jamui.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kajal Kumari, D/o Shri Ram Manjhi, Resident of Village- Gangra, Police
Station- Gidhour, District- Jamui.

... .. Respondent/s

=====

Appearance :

1. For the Appellant/s: Mr.Amrendra Kumar, Adv.
For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 12-03-2019 Heard the parties.

This is an appeal under Section 14 (2) of SC & ST
Act, against the refusal of prayer for bail by order dated
30.08.2018 passed by learned 1st Additional District and
Sessions Judge Jamui, in connection with Jamui Mahila P.S.
Case No. 42 of 2018, registered under Sections 376(D) of the
Indian Penal Code, Section 3/4 of POCSO Act and Section 3 (1)
(W), 3(2)(V)(a) of SC /ST Act.

Allegation against appellant is that on 11.07.2018
at about 9 P.M., appellant took informant on his motorcycle for



medical treatment but in midway he stopped his motorcycle dragged her in bush and committed rape with her.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to previous enmity. Informant and appellant are relatives. The compromise took place between the parties. Appellant has no criminal antecedent and is in custody since 13.07.2018.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the appellant on bail at this stage.

However, it is observed that appellant named above be released on bail **after framing of charge** upon furnishing bail bond of Rs. 20,000/- (twenty thousand) 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 Court and their absence on two consecutive dates without sufficient reasons, 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)

Rajiv/-

U		T	
---	--	---	--

