

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4286 of 2018

Arising Out of PS. Case No.-467 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Raj Gabbar Sai @ Rajbabbar Sai, Son of Late Manir Sai @ Md. Manir Shah,
Resident of Village-Chanaur Takia, Police Station-Siwan Muffasil, District-
Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Javed Aslam, Advocate

For the Respondent/s : Mr.Sri Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 02-01-2019

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Amendment Act, 2015 against the refusal of prayer for bail by order dated 26.09.2018 passed by learned 1st Additional Sessions Judge-Special Judge, Siwan, in connection with Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 467 of 2018, registered under Sections 366A, 504/34 of the Indian Penal Code and Section 3 (i) (r) (s) 3 (2) v (a) of SC /ST Act.

Informant is the mother of victim girl, who has stated in her written complaint that his minor daughter Soni Kumari has been enticed away by the appellant and his family members on 09.08.2018 for the purpose of marriage. The F.I.R. has been recorded after four days of occurrence on 17.08.2018



and victim has been examined by the Medical Board in which her age has been assessed to be 18-19 years. It has been further submitted that statement of victim girl has been recorded under Section 164 Cr.P.C. where she has denied any sexual assault committed by the appellant.

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/- (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)

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