

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4328 of 2018

Arising Out of PS. Case No.-265 Year-2018 Thana- KADWA District- Katihar

Kamal Prasad Singh, Son of Late Lali Mohan Singh, Resident of Village-
Boliya Mallikpur, P.S.- Baliya Belon, District- Katihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 07-01-2019 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 07.09.2018 passed by learned A.D.J. 1st cum Special Judge, Katihar in G.R. Case No. 3270 of 2018 (arising out of Kadwa (Baliya Belon) P.S. Case No. 265 of 2018 in connection with Kadwa (Baliya Belon) P.S. Case No. 265 of 2018 registered under Sections 341, 323, 325, 225, 376 of the Indian Penal Code and Section 3(r)(s) of the SC/ST Act.

Informant has filed a complaint case in the court of C.J.M., Katihar giving rise to Complaint Case No. 1271 of 2018 alleging against appellant of committing rape while she was sleeping in her house. The alleged occurrence is of 27.05.2018



and complaint was filed on 26.06.2018 and same was referred to police under Section 156(3) of Cr.P.C. and FIR No. 265 of 2018 was registered.

It has been submitted on behalf of the appellant that appellant is innocent and has been falsely implicated in this case. Appellant had filed a complaint case as stated in para 10 of his petition on 28.05.2018 in which allegation is that he was brutally assaulted by the son of informant, as a result of which he sustained fracture injuries in legs and hands and was admitted in Katihar Medical College and present case has been filed as a counter blast of said case. Appellant has no criminal antecedent and he is in custody since 04.08.2018.

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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