

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.649 of 2020

Arising Out of PS. Case No.-83 Year-2019 Thana- DARPA District- East Champaran

PRAVESH DAS, Son of Raghubir Das Resident of Village-Narkatiya, P.S.-
Darpa, District-East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Adv.
For the Respondent/s : Mr.Binay Krishna (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-05-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 28.01.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari, in connection with Dapra P.S. case No. 83/2019 registered under Sections 452, 376, 511, 354(B), 323, 504/34 of the Indian Penal Code and Section 3(i)(a)(r)(s) (w), 3(2)(va) of SC/ST (PoA) Act.

Informant has alleged in his written complaint that appellant caught hold his minor daughter, namely, Raghuni Kumari and tried to outrage her modesty and also tried to



commit rape upon her, when she raised alarm, upon which he alongwith his wife came there and appellant tried to flee away but he was caught hold by the villagers and thereafter co-accused came there and started abusing and assaulting and took away petitioner with them.

It has been submitted on behalf of the appellant that appellant is innocent and has been falsely implicated in this case due to village dirty politics. It has been further submitted that occurrence took place on 22.07.2019 and FIR was registered on 06.08.2019 and no explanation has been given for such delay. Charge sheet has already been submitted. Appellant has no criminal antecedent and is in custody since 25.01.2020.

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 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)

veena/rajiv

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

