

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1114 of 2020

Arising Out of PS. Case No.-390 Year-2019 Thana- BARACHATTI District- Gaya

MAHADEV SINGH Son of Reva Singh Resident of Village - Masondha, P.S.
Mohanpur, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-06-2020

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 23.01.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No. 390 of 2019, registered under Sections 147, 149, 342, 343, 323, 354, 503, 504, 506, 509 of the Indian Penal Code and Section 3(i)(r) of SC/ST Act.

Informant has alleged that on 14.08.2019 when she had gone outside to attend the call of nature, some unknown persons took her at Amkola Panchayat Bhawan and raped her



after administered intoxicated medicine.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case due to dirty village politics. It has been further submitted that occurrence took place on 14.08.2019 but FIR was lodged on 26.08.2019 after delay of 12 days without any explanation. There is general and omnibus allegation against appellant. He is only member of unlawful assembly. Similarly placed co-accused persons have been granted bail by the court below itself as contained in Annexure-2 series. Appellant has no criminal antecedent and is in custody since 12.12.2019.

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)

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