

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1107 of 2020

Arising Out of PS. Case No.-146 Year-2019 Thana- CHHATAPUR District- Supaul

MD. JAHUR Son of Halim Resident of Village-Inderpur, Ward No.12, Police
Station-Chhatapur, District-Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun

For the Respondent/s : Mr.Sadanand Paswan

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 06.02.2020 passed by learned
Additional Sessions Judge-I-cum Special Judge S.C. & S.T. Act,
in connection with Chhatapur P.S. Case No. 146 of 2019
registered under Sections 341, 323, 307, 376, 506 of the Indian
Penal Code and Section 3(i)(w) of the SC/ST Act.

Allegation against appellant is of committing rape
upon mother-in-law of informant.

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 and animosity. Petitioner is neighbour and



from FIR itself is clear that victim had not raised any alarm or protest although other family members were present in the house. Victim is not the informant. In the order impugned it has been stated that according to medical report, rape or sexual assault has not been confirmed. Appellant has no criminal antecedent and is in custody since 06.01.2020.

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)

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