

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1128 of 2020

Arising Out of PS. Case No.-236 Year-2019 Thana- RAGHUNATHPUR District- Siwan

MANTOSH RAY Son of Uttim Roy Resident of Village-Amhara, P.S.-
Raghunathpur, District-Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ramchandra Sahni
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-09-2020 Heard learned counsel for the parties.

This is an appeal under Section14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 19.02.2020 passed by the learned 1st Additional Sessions Judge-cum-Special judge, Siwan in connection with Raghunathpur P.S. Case No.236/2019 registered under Sections 376/511 IPC, Sections 4/6/8 POCSO Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the petitioner is to have outraged the modesty of the daughter of the informant.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It



has further been submitted that the statement of the victim girl was recorded under Section 164 Cr.P.C. wherein victim girl does not corroborate the statement given by the informant in F.I.R. Petitioner has no criminal antecedent and he is in custody since 31.12.2019.

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/- 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 the Court and his absence on two consecutive dates without sufficient reason, 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)

Sanjay/-

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