

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.864 of 2018

Arising Out of PS.Case No. -17 Year- 2017 Thana -SC/ST District- PATNA

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1. Akhtar Imam Son of late Syed Alam Resident of Village- Maurya Chak,
P.S. Janipur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur, Advocate

Mrs. Babita Kumari, Advocate

Mr. Praveen Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-03-2018

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 the learned Additional Sessions Judge 2nd -cum-Special Judge (S.C./S.T. Act), Patna, in connection with Special Case No.682 of 2017, arising out of SC/ST Police Station Case No.17 of 2017, registered under Sections 376/120B of the Indian Penal Code and Sections 3(1)(r)/3(1)(f)/3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant is father-in-law of the informant. The perusal of the FIR would reveal that the matter is of matrimonial dispute as well, mainly for the reason of bearing the expenses of education of the informant.



Submission is that the parents of the informant are not supporting the cause of the informant. Therefore, the informant has alleged that the appellant developed illicit relationship with her mother first and subsequently with the informant as well. He further submits that for commission of first act of rape, she never made complaint to any of the authorities.

Learned counsel for the informant opposed the prayer on the ground that other witnesses also supported the allegation.

Considering the entire facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Birendra Kumar, J)

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