

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.761 of 2018

Arising Out of PS.Case No. -348 Year- 2017 Thana -NAUBATPUR District- PATNA

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1. Vicky Kumar, S/o Anil Singh,
2. Abhisek Kumar @ Chauhar S/o Ashok Kumar , Both R/o Korwan, P.S.-
Naubatpur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Nath Pandey

For the Respondent/s : Mr. Binay Krishna (SPP245)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-04-2018

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, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST– cum- Additional Sessions Judge Vth, Patna in connection with Naubatpur P.S. Case No. 348 of 2017 registered under Sections 341, 323, 354 and 504/34 of the Indian Penal Code as well as Sections 3(x)(i) of the SC/ST Act and 8/12 of the POCSO Act.

There is case and counter case. Counter case is at Annexure-2. Allegation against the appellants is that they were forcibly giving a mobile phone to the informant/a girl, aged about 16 years, and were persuading her to talk to the appellants. However, the informant managed her escape.



Submission of the learned counsel for the appellants is that the parties have entered into a compromise vide written compromise filed before the learned Special Judge, a copy of which is at Annexure-3, wherein the informant has stated that due to communication gap and mutual differences between the parties, the case was lodged.

In the circumstances, fate of the trial is known. If the factum of the compromise is true, learned Special Judge shall release the appellants on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J.)

Rakhi

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