

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.207 of 2018

Arising Out of PS.Case No. -134 Year- 2017 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sudish Sah, Son of Shankar Sah, Resident of Village-Dubauliya P.S.
Ramgarhwa, District-East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Adya Singh, Advocate

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

For the Informant : Mr. Kundan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 13-03-2018

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 anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Motihari (East Champaran), in Ramgarhwa Police Station Case No.134 of 2017 (Complaint Case No.165-C/2016) registered under Sections 363/366/376/342/379/406/34 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complaint based allegation would reveal that occurrence took place between 06.05.2016 to 10.05.2016 and the



complaint was filed on 20.06.2017 after lapse of several months alleging therein that on 06.05.2016 the appellant entered into the house of the complainant, who is mother of two children, induced her to go with him and on the pretext of her treatment took away her ornaments and cash. Thereafter, serve some intoxicant to the complainant and took her to his house. Other family members threatened the complainant not to make alarm and the appellant committed rape against her and after few days she was sent back.

Submission of the learned counsel for the appellant is that this is a case of love-affairs between the two. However, the concocted allegation is apparent from perusal of the FIR.

Learned counsel for the Informant opposed the prayer for anticipatory bail.

Considering the delay in FIR and the nature of allegation, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as



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 stands allowed.

(Birendra Kumar, J)

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