

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1623 of 2018

Arising Out of PS.Case No. -6 Year- 2017 Thana -ISHOPUR District- BHAGALPUR

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1. Rakesh Kumar @ Rakesh Mahto Son of Pashuram Mahto @ Parshuram Mahto,
resident of Village- Hardeo Chak, Mirjagaon, P.S. Ishipur Barahat, District-
Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manohar Prasad Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 4th Additional Sessions Judge (SC/ST Act), Bhagalpur, in connection with Barahat Police Station Case No.6 of 2017 registered under Sections 366A/504/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The victim, who claims to be aged about 13 years, in her statement under Section 164 Cr.P.C. at Annexure-2 has alleged that the appellant and two others forcefully abducted her thereafter put her



in confinement and were forcefully having physical relation with her.

Learned counsel for the appellant submits that statement of the victim is tutored one. The matter is of love-affairs between the victim and co-accused Raju Kumar Yadav. Considering the aforesaid fact, co-accused Surendra Das has already been allowed regular bail by this Court in Cr. Appeal (SJ) No.645 of 2018.

Considering the nature of allegation against the appellant, in my view, he does not deserve anticipatory bail. Hence, the prayer for anticipatory bail is refused.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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