

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2266 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -SC/ST District- SASARAM (ROHTAS)

- =====
1. Anil Dubey, S/o Late Paras Dubey,
 2. Sunil Dubey, S/o Late Paras Dubey, Both of R/o Vill. - Tettari P.S. - Sasaram Muffasil, District- Rohtas at Sasaram.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 25.05.2018 in Registered Case No. 07 of 2018 passed by the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Dehri SC/ST P.S. Case No. 04 of 2018 registered under Sections 341, 376, 511, 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w)(i)(ii) of the SC/ST Act.

Vijay Narayan Dubey, the family member of the appellants had brought C.W.J.C. No. 18183 of 2011 against the father-in-law and brother-in-law of the present informant and several



others for direction to the respondent-authorities to remove encroachment by the private-respondents from the referred public pond. Since an encroachment proceeding bearing Case No. 94 of 2008-09 was already initiated by the competent authority, the said writ application was disposed of on 02.04.2012 vide Annexure-2. In the aforesaid background, allegation is that when the informant was coming, the appellants allegedly attempted to ravish her.

Submission is that just to pressurize, false case has been lodged. Father of the appellants was already dead on the date of occurrence whereas the informant says that she made complaint to the father of the appellants.

Learned Special Public Prosecutor opposed the prayer for bail.

Finding substance in the submission aforesaid, let the appellants, above named, in the event of their 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/- (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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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