

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.108 of 2018

Arising Out of PS.Case No. -21 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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1. Rajan Sah, Son of Late Tipu Sah, resident of Village- Pashchim Pali,
Police Station- Kishanganj in the district of Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Kumar

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 11-01-2018

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 by the learned Special Judge (S.C./S.T.), Kishanganj in Spl. Case No. 13 of 2017 arising out of Kishanganj Mahila P.S. Case No. 21 of 2016 registered under Sections 342, 376, 313/34 of the Indian Penal Code, Sections 3(1)(r)(s), 3(2)(v) of the SC/ST Act as well as 4 of the Protection of Children from Sexual Offenses Act, 2012.

The complaint based FIR would reveal that allegation of physical relation on the pretext of marriage is against co-accused Jitendra Sah. The appellant is family member of Jitendra Sah. Mere allegation is of hurling threat. There is no allegation



against the appellant in the statement of the victim under Section 164 Cr.P.C.

Considering the aforesaid fact, 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 bond of Rs.20,000/- (rupees 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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