

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3261 of 2018

Arising Out of PS.Case No. -75 Year- 2018 Thana -FATEHPUR District- GAYA

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1. Ashok Yadav @ Ashok Kumar, Son of Sohrai, resident of Village- Morwe,
P.O. Gurpa, Police Station- Fatehpur, District- Gaya Appellant/s
Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No.-2, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 24.07.2018 in A.B.P. No.2719 of 2018/184 of 2018 passed by the learned 1st Additional Sessions Judge, Gaya in connection with Fatehpur P.S. Case No.75 of 2018 registered under Sections 376/511/34 of the Indian Penal Code as well as under Section 12 of POCSO ACT and Section 3(1)(w)(i)(ii) of the S.C./S.T. Act.

Allegation is that the appellant and co-accused- Rajnandan Pandit attempted to outrage the modesty of the informant. Rajnandan Pandit was allowed bail, considering his custody of three months and completion of investigation, in Cr. Appeal (SJ) No.1576 of 2018 by this Court.

Submission is that false implication is there and the



parties have entered into a compromise. Appellant has got no criminal antecedent.

Considering the factum of compromise and fate of the trial, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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