

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1499 of 2018

Arising Out of PS.Case No. -105 Year- 2016 Thana -KHAGARIA COMPALINT CASE District-KHAGARIA

- =====
1. Kedar Yadav, S/o Late Sukhdeo Yadav
 2. Amitabh Yadav
 3. Birbal Kumar, Both Sons of Kedar Yadav, All resident of Village - Lavtoliya, P.S. - Alouli, District - Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.
2. Jhila Devi, W/o Sri Ghanshyam Tanti

.... 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: 02-08-2018

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 20.03.2018 in A.B.A. No. 21 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Khagaria in connection with Complaint Case No. 105C of 2016 registered under Sections 341, 504, 323, 307, 379, 380, 354B of the Indian Penal Code as well as Sections 3(i)(x), 3(i)(xi) of the SC/ST Act.

Perused the explanation of the office.



The Section Officer and Assistant Section Officer are directed to remain careful in future.

Complaint based allegation would reveal that the appellants came to the house of the complainant and pressurized for withdrawal of the earlier case and for that reason, they allegedly committed abuse and assault as well as attempt to outrage the modesty of the complainant.

Submission of the learned counsel for the appellants is that Title Suit No. 192 of 2012 brought by the complainant against the appellants is already going on in the court below and just to put pressure in that case in the past, the complainant lodged a case of commission of rape against the appellants which resulted in acquittal. She is in the habit of lodging false cases just to pressurize.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background and nature of allegation, 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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