

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2503 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Sunil Kumar, S/o Sanjay Verma, Resident of Village - Korawan, P.S.
Naubatpur, District - Patna.

.... 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: 18-08-2018

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 17.01.2018 in A.B.P. No. 6482 of 2017 passed by the learned 5th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Naubatpur P.S. Case No. 348 of 2017 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

The appeal is barred by limitation of 78 days.

The delay is explained in the petition, filed under Section 5 of the Limitation Act, vide I.A. No. 2145 of 2018. Hence, for substantial justice, the delay is condoned.



Accordingly, I.A. aforesaid stands allowed.

There is case and counter case. Allegation against the appellant is that he was forcibly giving a mobile phone to the informant/a girl, aged about 16 years, and was persuading her to talk to the appellant. However, the informant managed her escape.

Submission of the learned counsel for the appellant is that the parties have entered into a compromise vide written compromise filed before the learned Special Judge, a copy of which is at Annexure-3, wherein the informant has stated that due to communication gap and mutual differences between the parties, the case was lodged.

Learned Special Public Prosecutor opposed the prayer for bail.

In the circumstances, fate of the trial is known. If the factum of the compromise is true, learned Special Judge shall release the appellant, named above, on anticipatory 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/trial of the case, failing which the



court below shall be at liberty to cancel the bail bond of the appellant 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.
Uploading Date	21.08.2018
Transmission Date	21.08.2018

