

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2582 of 2018**

Arising Out of PS.Case No. -34 Year- 2016 Thana -CHIRAIYA District- EASTCHAMPARAN  
(MOTIHARI)

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1. Taibun Nesha, W/o Shekh Amirul Haque,  
2. Shekh Amirul Haque S/o Marhum Sheikh Lalit , Both are R/o Vill.- Harbolwa,  
P.S.- Chiraiya, Distt.- East Champaran.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Kundan Rathore, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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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 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 03.07.2018 in A.B.P. No.1652 of 2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran in connection with Chiraiya P.S.Case No. 34 of 2016 registered under Sections 323,509,504,506 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

The FIR would reveal that the main allegation is against Jaikullah, the son of these appellants of sexual



harassment to the granddaughter of the informant.

Submission is that the matter is of love affair and just to pressure, the appellants have been falsely implicated.

Considering the 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each 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 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.

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

**(Birendra Kumar, J)**

Nitesh/-

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