

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1778 of 2018

Arising Out of PS.Case No. -94 Year- 2016 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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1. Rakhi Kumari @ Rakhi Devi W/o Vikash Choudhary, R/o Vill.-
Chiranjeevipur, P.S.- Bachhwara, District- Begusarai (as Shown in the F.I.R.
through Naihar Address as D/o Raj Kumar Singh, R/o Vill.- Kubauli Ram, P.S.-
N.H. Bangra, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suneil Kumar Thakur, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2018

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
against the refusal of prayer for anticipatory bail vide order dated
26.04.2018 passed by the learned 1st Additional Sessions Judge,
Samastipur, in A.B.P. No.667 of 2018, arising out of N.H. Bangra
Police Station Case No.94 of 2016, registered under Sections
366A/376/376K/120B of the Indian Penal Code and Sections 3(i)
(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

Allegation against the appellant is that she called the
daughter of the informant to a particular place. When the victim
reached there, the appellant fled away. Thereafter two females
followed the victim and she was taken to the house of one Binod,



where the victim was forcefully married with one Tuntun Mahto.

Submission is that the matter is of love-affairs between Tuntun Mahto and the victim girl, which would be evident from the statement recorded under Section 164 Cr.P.C. She had voluntarily left the house. Nothing else is alleged against the appellant.

Considering the nature of allegation and the fact that the appellant is a female having no criminal antecedent, let the appellant, above named, in the event of her 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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