

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2508 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN
(MOTIHARI)

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1. Sukat Mahto, Son of Amar Mahto, Resident of Village Khorhwa, P.S. Palanwa,
District East Champaran.

.... 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: 05-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 19.03.2018 in A.B.P. No. 393 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Palanwa P.S. Case No. 129 of 2017 registered under Sections 447, 448, 376, 511 of the Indian Penal Code as well as Sections 3(2)(v)(a) of the SC/ST Act.

According to FIR, the appellant entered into the house of the informant when she was alone in her house in the midnight and attempted to commit rape against her. When the informant made alarm, the neighbours came. They have stated before the police that



on alarm of the informant, they came and heard about the occurrence.

Learned counsel for the appellants submits that there is delay of nine days in lodging of the FIR. The land dispute is the background of this false allegation. The police has submitted charge sheet for the offence under Sections 504, 354 Indian Penal Code as well as Section 3(i)(r) of the SC/ST Act and not for the offence under Sections 447, 448, 376, 511 of the Indian Penal Code as well as Sections 3(2)(v)(a) of the SC/ST Act.

No material has been brought on the record to substantiate bona fide land dispute between the parties. Statement of some of the witnesses before the police that they have heard about the old land dispute is not admissible in evidence. The informant cannot be disbelieved at this stage. Hence, I am not inclined to enlarge the appellant on anticipatory bail.

Accordingly, this appeal against the refusal of prayer for anticipatory bail stands dismissed.

Appellant is directed to surrender within a period of three weeks from today and pray for regular bail.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	07.09.2018
Transmission Date	07.09.2018

