

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3383 of 2018

Arising Out of PS. Case No.-387 Year-2016 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Suresh Prasad Singh @ Suresh Kumar Singh, S/o Late Niranjana Prasad Singh,
R/o Bhirkhi, Uttarbari, Ward No. 21, Madhepura, P.S. and District-
Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Gayatri Devi, W/o Kartik Rishideo, R/o Village- Tuniyahi, Ward No.2, P.S.
+ District- Madhepura.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shailendra Kumar Singh
For the Respondent/s	:	Smt. Usha Kumari No-1
For the Complainant	:	Mr. Vivekanand Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 09.08.2018 passed by the learned Additional Sessions Judge-1-cum-In-charge Special Judge, SC/ST Act, Madhepura in A.B.P. No.683 of 2018, arising out of Complaint Case No.387 of 2016 registered under Sections 376, 511, 323, 354, 504 of the Indian Penal Code and Sections 3 (i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The appellant is a retired employee of Civil Court. His son, *Manish Kumar Singh* had filed a written application to the Superintendent of Police, Madhepura on 11.05.2015 at *Annexure 4*, alleging therein that he is complainant of Complaint Case No.402 of 2013. The accused persons of that case threatens to kill him or to get him implicated in false case under Section 376 of the Indian Penal Code through the complainant of this case. The appellant had also filed an application on 25.01.2016 before the Chief Judicial Magistrate, Madhepura, alleging the aforesaid fact that when Complaint Case No.380 of 2016 was sent for registration of Police case in exercise of power under Section 156(3) of the Code of Criminal Procedure, the accused persons started pressurizing for withdrawal of the case, otherwise threatened to be ready to face the consequences.

Thereafter, the present complaint petition was filed on 25.07.2016 alleging therein that the complainant was a maid in the house of the appellant. The appellant sexually harassed her even by physical contact.

Learned counsel for the complainant opposed the prayer for anticipatory bail on the ground that prima facie offences alleged is disclosed in the complaint petition.



In the background of allegation, chances of mala fide prosecution cannot be completely ruled out. Hence, let the appellant, above named, in the event of his 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 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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