

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3332 of 2018

Arising Out of PS. Case No.-419 Year-2017 Thana- BAKHTIYARPUR District- Patna

Shankar Mahto @ Shankar Kumar, Son of Sri Haro Mahto @ Haru Mahto,
Resident of village- Sabani, P.S.- Bakhtiyarpur, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramji Kumar
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-10-2018

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 02.06.2018 passed by the learned Special Judge SC/ST Act-cum-Additional Sessions Judge-Vth, Patna in A.B.P. No.2890 of 2018, arising out of Bakhtiyarpur Police Station Case No.419 of 2017 registered under Sections 363, 364, 366(A), 342/34 of the Indian Penal Code as well as Section 12 of Protection of Children from Sexual Offences Act, Sections 9, 10, 11 of Prohibition of Child Marriage Act and Section 3 (1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Though the F.I.R. reveals an occurrence of kidnapping of the daughter of the informant. However, the victim in her statement under Section 164 of the Code of Criminal Procedure stated that she



had love affairs with co-accused, *Lokesh Kumar* and she has already married with co-accused, *Lokesh Kumar*. The victim has not even named the appellant.

Considering the aforesaid facts, 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	
CAV DATE	
Uploading Date	
Transmission Date	

