

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.114 of 2018

Arising Out of PS.Case No. -310 Year- 2017 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Shashi Kumar, S/o Kamal Mahto,
 2. Kamal Mahto S/o Bega Mahto @ Bigu Mahto,
 3. Sadhu Mahto S/o Kamal Mahto,
 4. Munni Devi W/o Kamal Mahto,
 5. Rani Devi D/o Kamal Mahto, All Five are R/o Village- Laxmipur, P.S.-
Yogapatti, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-02-2018 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 by the learned Additional Sessions Judge 1st -cum-Special Judge, Bettiah, West Champaran, in Yogapatti Police Station Case No.310 of 2017 registered under Sections 363/366A/379/34 of the Indian Penal Code and Section 3(i) (e) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as Section 12 of the POCSO Act.

Allegation against the appellants is that they had



induced the minor daughter of the informant to go with them for the purpose of marriage with the victim.

The victim girl in her statement under Section 164 Cr.P.C. stated that no one had induced her; rather she had voluntarily left the house.

Considering the statement of the victim, no offence is made out against the appellants for the purpose of this anticipatory bail, hence, 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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 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 appeal stands allowed.

(Birendra Kumar, J)

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