

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1263 of 2018

Arising Out of PS.Case No. -131 Year- 2016 Thana -KHAJEKALA District- PATNA

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1. Dhiraj Kumar, son of Prem Prasad, resident of Mohalla- Choudhary Gali, P.S. Khajekala, District- Patna.

.... 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: 14-05-2018

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 by the learned Special Judge S.C./S.T.-cum-Additional Sessions Judge-V, Patna in Khajekalan P.S. Case No. 131 of 2016 registered under Sections 341, 323, 380/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

FIR discloses that the wife of the informant left the house along with ornaments and this fact was disclosed by the sons of the informant. The victim in her statement under Section 164 Cr.P.C. stated that due to frustration with the torture of the husband, she had voluntarily gone with the appellant and now she is pregnant with the



appellant. No one had abducted her.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the statement of the victim wherein there is no allegation against the appellant, 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 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 and 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)

Kundan/-

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

