

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2629 of 2018

Arising Out of PS.Case No. -698 Year- 2017 Thana -BARACHATTI District- GAYA

- =====
1. Kamaldeo Prasad @ Bhalo @ Jhalo son of Badho Mahto
 2. Anil Prasad @ Anil Kumar son of Badho Mahto
 3. Umesh Prasad son of Badho Mahto
 4. Ranju Devi wife of Umesh Prasad All residents of Village- Bumuar, P.S. Mohanpur, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nikhilesh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

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 vide order dated 05.06.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.101 of 2018, arising out of Barachatti (Mohanpur) Police Station Case No.698 of 2017, registered under Section 366A/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant No.1 Kamaldeo Prasad @ Bhalo @ Jhalo and appellant No.4 Ranju Devi are not named in the statement of the victim recorded under Section 164 Cr.P.C. Other appellants Umesh



Prasad is father of co-accused Satish Kumar and appellant Anil Prasad is uncle of co-accused Satish. Allegation of commission of wrongful confinement and rape is against Satish Kumar.

Submission is that the matter is of love-affairs and subsequently under the pressure of the parents, the victim has given her statement under Section 164 Cr.P.C.

Finding substance in the submissions aforesaid, 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 impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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