

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2696 of 2018

Arising Out of PS.Case No. -38 Year- 2018 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Pramod Kushwaha S/o Basawan Kushwaha, R/o Vill.- Padhauti, P.S.-
Bhagwanpur, District- Kaimur (Bhabua).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shyam Bihari Singh, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-08-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 11.07.2018 in A.B.P. No.1028 of 2018 passed by the learned Special Judge, SC/ST Act, Bhabua in connection with Mahila (Bhabua) P.S.Case No. 38 of 2018 registered under Section 376(D) of the Indian Penal Code as well as under Sections 3(1)(w) of the Scheduled Castes and Scheduled Tribes Act.

Though allegation in the FIR is of commission of rape by the appellant and co-accused-Sanjay Kushwaha, however, the informant has filed an application before the learned court below vide Annexure-2 that some other persons have got the



case registered by making false statement in the complaint petition she is not a widow rather her husband is alive, whereas in the FIR, it is stated that her husband is dead. She further stated in the petition that no one has committed anything wrong against her.

Considering the written statement of the complainant, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant 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 appellant.

The appellant shall produce a fresh affidavit of the informant alongwith her Adhar Card at the time of furnishing of the bail bond in the matter of statement what she made in the Court that no offence was committed against her and her husband is alive.



Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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