

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1440 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -MAHILA P.S. District- NAWADA

=====

1. Anil Yadav S/o Raja Yadav, R/o Vill.- Makanpur, P.S.- Warisaliganj, Distt.- Nawada.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Gauri Shankar Prasad, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-07-2018

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 10.04.2018 passed by the learned 1st Additional Sessions Judge, Nawada, in A.B.P. No.434 of 2018, arising out of Mahila Police Station Case No.5 of 2018, registered under Sections 376(i)/506/34 of the Indian Penal Code and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The allegation of commission of rape against the informant is against co-accused Sunil Yadav, the full-brother of the appellant. Allegation against the appellant is that when the matter was complained to the appellant, appellant abused and threatened not to



lodge any case.

Submission is that the victim has not stated anything against the appellant in her statement recorded under Section 164 Cr.P.C.

Considering the statement of the victim under Section 164 Cr.P.C., 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 bonds of Rs.20,000/- (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/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 appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2018
Transmission Date	18.07.2018

