

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1434 of 2018

Arising Out of PS.Case No. -1162 Year- 2016 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Niranjana Sah S/o Late Dashrath Sah, R/o Mohalla- Nakkinagar, P.O.- Jamalpur,
P.S.- Keshopur, District- Munger.

.... Appellant/s

Versus

1. The State of Bihar.
2. Anchal Devi W/o Shri Sanjay Tanti, R/o Mohalla- Naya Tola (Near Choti
Keshopur), P.S.- Jamalpur, District- Munger.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aaruni Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-07-2018

Heard learned counsel for the parties.

The appeal is barred by limitation of 14 days. The appellant has explained the delay in filing of this appeal in I.A.No. 1460 of 2018, an application under Section 5 of Limitation Act. Hence, the delay is condoned.

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 06.01.2018 by the learned Additional Sessions Judge-1st-cum-Special Judge, Munger in connection with Complaint Case No.1162(C) of 2016 registered under Sections 323,324,341,354,504,506 of the Indian Penal Code as well as



under Section 3 (X) of the Scheduled Castes and Scheduled Tribes Act.

According to complaint based allegation, the appellant sexually assaulted to the complainant on 21.11.2016. Thereafter, on 22.11.2016, other accused assaulted her, when she went to the house of the appellant to make a complaint of his act. On 23.11.2016, when the complainant was going to lodge a case she was assaulted by naming persons by taking her caste name.

Submission is that complaint petition suffers from malicious prosecution, for the reason that the appellant had also lodged a complaint case against the family members and witness for the criminal act committed on 21.11.2016. Complaint was filed by the appellant on 26.11.2016.

Considering the allegation of sexual assault allegedly committed by the appellant, in my view, this is not a fit case for grant of anticipatory bail. Hence, this appeal against refusal of prayer for anticipatory bail is dismissed as devoid of any merit.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2018
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