

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1725 of 2018

Arising Out of PS.Case No. -94 Year- 2016 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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1. Meena Devi Wife of Vinod Thakur, Resident of Village- Kubauli Ram, Police Station- N.H. Bangra, District- Samastipur.			Appellant/s
Versus			
1. The State of Bihar			Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Neeraj Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

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 28.04.2018 passed by the learned 1st Additional Sessions Judge, Samastipur, in A.B.P. No.618 of 2018, arising out of N.H. Bangra Police Station Case No.94 of 2016, registered under Sections 366A/376/376K/120B of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, co-accused Rakhi Kumari @ Rakhi Devi, who had taken the daughter of the informant from her house. Thereafter at a particular place Rakhi Kumari @ Rakhi Devi returned back and two other female followed her which included the appellant also. Further allegation is that the daughter of the informant was forcefully married with one Tuntun Mahto.

Submission is that the matter is of love-affairs between



Tuntun Mahto and the victim girl, which would be evident from the statement recorded under Section 164 Cr.P.C. She had voluntarily left the house. Nothing else is alleged against the appellant. Co-accused Rakhi Kumari @ Rakhi Devi has already been allowed anticipatory bail by this Court in Cr.Appeal (SJ) No.1778 of 2018.

Considering the nature of allegation and the fact that the appellant is a female having no criminal antecedent, let the appellant, above named, in the event of her 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	22.09.2018
Transmission Date	22.09.2018

