

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3439 of 2018

Arising Out of PS. Case No.-21 Year-2018 Thana- MAHILA PS District- Jehanabad

Vinay Yadav @ Vinay Kumar, S/o Nageshwar Yadav, R/o Vill.- Daulatpur,
P.S.- Kaduna -O.P. Jehanabad, District- Jehanabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lakshman Lal Pandey
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 20.08.2018 passed by the learned Additional Sessions Judge-1st, Jehanabad in A.B.P. No.1069 of 2018, arising out of Jehanabad Mahila Police Station Case No.21 of 2018 registered under Sections 341, 323, 354(B), 349 of the Indian Penal Code as well as Section 8 of POCSO Act and Sections 3 (1) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

One *Shanti Devi* had lodged Jehanabad Police Station Case No.365 of 2018 on 09.05.2018 against the full brother of the informant of this case and others alleging therein that they had sexually harassed to the daughter of the informant aged about 16 years.



Submission is that as a retaliation of that case, present F.I.R. has been lodged with identical allegation against the appellant and others. Appellant has got no criminal antecedent.

Considering the background of allegation, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of prayer for anticipatory bail. Hence, 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 bond of Rs.20,000/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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