

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3380 of 2017

Arising Out of PS.Case No. -85 Year- 2016 Thana -MAHILA PS District- JAMUI

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1. Dina Yadav, Son of Baldeo Yadav, resident of Village Pasi Tola, P.S. Malaypur, Dist.- Jamu. Appellant/s

Versus

1. The State of Bihar.
2. Phul Kumari, D/o Rajo Paswan, resident of Village Gharsanda, P.S. Sikandra, Dist.- Jamui. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 31-01-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Jamui in Jamui Mahila P.S. Case No. 85 of 2016 registered under Sections 354A of the Indian Penal Code, Sections 11, 12 of the Protection of Children from Sexual Offenses Act, 2012 as well as Sections 3(1)(xi)(xii) of the SC/ST Act.

Allegation against the appellant is of sexual harassment of the informant on the pretext of carrying her on his tempo to her house.

Submission of the learned counsel for the appellant is that only on suspicion name of the appellant had transpired. The appellant is not the tempo driver. There is no mention of the identity



of the vehicle of which the appellant was driver. No witnesses have stated before the police that the appellant was identified as the driver of the tempo and the learned court below has refused prayer simply for the reason that the offence under the provisions of the SC/ST Act is made out. Though a perusal of the FIR would reveal that no offence under the SC/ST Act is applicable for the purpose of this appeal.

Considering the aforesaid fact, 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 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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