

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2828 of 2018

Arising Out of PS.Case No. -82 Year- 2017 Thana -GANGTA District- MUNGER

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1. Bablu Yadav, Son of Bashishtha Prasad Yadav @ Vashishtha Prasad Yadav,
resident of Chhotki Manjhgai (Manjhgain), P.S. Gangata, District- Munger.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kamal Kishore Jha, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-09-2018

Heard learned counsel for the parties.

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 12.07.2018 in A.B.P. No.517 of 2018 passed by the learned Additional Sessions Judge -1st, Munger in connection with Gangata P.S.Case No. 82 of 2017 registered under Sections 366(A), 34 of the Indian Penal Code as well as under Sections 3(i)(xii) of the Scheduled Castes and Scheduled Tribes Act, Section 3/4 POCSO Act was also added.

The FIR reveals an allegation of kidnapping of the daughter of the informant. The victim in her statement under Section 164 Cr.P.C. has alleged commission of kidnapping by



co-accused-Chhotu Kumar and Teni Kumar Yadav. She further alleged commission of rape by Chhotu Kumar.

Submission is that the matter is of love affairs. Moreover, the appellant is not alleged with any overt-act.

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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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