

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.634 of 2018

Arising Out of PS. Case No.-58 Year-2017 Thana- SC/ST District- Gaya

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1. Rajesh Yadav, S/o Sri Madan Yadav,
 2. Sanjay Yadav S/o Sri Kedar Yadav,
 3. Kedar Yadav S/o Moti Yadav, All are R/o Village- Surhni, P.S.- Paraiya, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pritish Kumar Lal
For the State	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Praveen Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-08-2018

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 vide order dated 12.01.2018 passed by the learned Special Judge, S.C./S.T. Act, Gaya in A.B.P. No.168 of 2017, arising out of S.C./S.T. Police Station Case No.58 of 2017 registered under Sections 376, 511, 504, 506 of the Indian Penal Code and Section 3 (I) (V), 8 (W) (i) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., the appellant Nos. 1 and 2 allegedly committed rape with the complainant on 02.10.2016.



However, on alarm they fled away. The matter was reported to the Police on the same day and thereafter, to the Senior Superintendent of Police on 06.10.2016. The aforesaid allegation was enquired by the Police and the enquiry report was submitted vide *Annexure-2* on 25.10.2016, stating therein that the allegation is false one rather there is dispute of 03 feet wide lane which the complainant herself wants to take in forceful possession. Thereafter, the present complaint case was filed on 27.07.2017.

The parties are ready to file affidavit before the court below that none of the parties would encroach the aforesaid 03 feet wide lane, which is useful for both the parties in future.

Considering the aforesaid material, let the appellants, above named, in the event of their 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/- (Rupees Twenty Thousand) each 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 appellants shall fully co-operate with the investigation/trial of the



case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

The affidavits shall be filed by both the parties on the same day.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

