

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3680 of 2018

Arising Out of PS. Case No.-526 Year-2017 Thana- FORBESGANJ District- Araria

Md. Rafique S/o Md. Idrish, R/o Vill.- Dallu Tola Ward No. 18, P.S.-
Forbesganj, District- Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-11-2018

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 bail vide order dated 25.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, arising out of Forbesganj Police Station Case No.526 of 2017, registered under Sections 363/365/366A/376/504/506/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The same informant had lodged Araria SC/ST P.S. Case No.37 of 2017 against the named accused including the appellant. Identical allegation is there in the present FIR against



the appellant and some other persons of kidnapping to the daughter of the informant. The statement of the victim recorded under Section 164 Cr.P.C. would reveal that the allegation of commission of rape is against co-accused Md. Kadir when the victim was alone along with Md. Kadir.

Considering the entire facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond 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, with 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 is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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