

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.640 of 2018

Arising Out of PS.Case No. -244 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Rohit Singh S/o Lal Babu Singh, R/o Village- Kuwardah, P.S.- Bihia, District- Bhojpur. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-06-2018

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 the learned 1st Addl. District and Sessions Judge, Bhojpur, Ara in connection with Mahila P.S.Case No. 244 of 2016 registered under Sections 354(a)(d), 323,504 and 34 of the Indian Penal Code, Section 12 of POCSO Act and Sections 13(1)(T)(S)/13(i)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes Act.

Submission of the learned counsel for the appellant is that though there is allegation of sexual harassment against the appellant to the informant, however, the matter is of malicious prosecution which would be evident from the fact that the occurrence allegedly took place on the basis of 28.11.2015 and the FIR was lodged on 24.05.2016 without any explanation



for such delayed information to the police. Moreover, the election of the Panchayat was scheduled on 29.05.2016, wherein a family member of the appellant was a candidate for the post of Sarpanch and just to pressurize, the false case has been lodged.

Considering the fact that there is no explanation for such delayed information to the police, apparently, the matter appears to be of malicious prosecution. 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 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 as well as 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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