

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2763 of 2018

Arising Out of PS.Case No. -62 Year- 2018 Thana -BAUNSI District- ARRARIA

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1. Md. Hasim, Son of Md. Ganauri
 2. Md. Khurshid, Son of Md. Pataliya, Both residents of Village- Rampur, P.S. Raniganj, District- Araria.
 3. Md. Idrish @ Mohsim, Son of Md. Habib, Resident of Village- Shekh Tola, Raniganj, P.S.- Raniganj, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Baleshwar Kamat, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-08-2018

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 against the refusal of prayer for bail vide order dated 06.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in Special SC/ST Case No.104 of 2018, arising out of Baunsi Police Station Case No.62 of 2018, registered under Section 365/34 of the Indian Penal Code and Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission of the learned counsel for the appellants is



that statement of the victim girl recorded under Section 164 Cr.P.C. would reveal that she had gone only on mobile call by co-accused Md. Khurshid. In the circumstances, the victim was a consenting party.

Considering the aforesaid facts, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (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, with condition that the appellants 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 appellants.

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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