

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1470 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- MAGADH MEDICAL COLLEGE District- Gaya

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1. Amit Kumar @ Basant son of Nawal Kishore Yadav
 2. Ankush Kumar @ Tiger son of Bindeshwar Yadav
 3. Vishal Kumar son of Dilip Yadav All residents of village - Rehua, Chaurahar, P.S.- Magadh Medical, District - Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunal Tiwary
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 03.04.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge (POCSO Act), Gaya in A.B.P. No.43 of 2018, arising out of Magadh Medical Police Station Case No.37 of 2018 registered under Sections 376, 511, 534 of the Indian Penal Code as well as Section 12 of the POCSO Act and Sections 3 (1) W(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



There is land dispute between the parties, which would be evident from the order of the criminal revision at *Annexure 3*.

In the aforesaid background, allegation is that the appellants and others attempted to ravish the informant on 19.02.2018.

Submission of the learned counsel for the appellants is that the Police has not recorded the statement of the girl who was accompanying the informant. After few days, the mother-in-law of the informant of this case also lodged the case, vide *Annexure 2* alleging commission of attempt to outrage the modesty by the appellants. All the F.I.Rs.' are just to pressurize in the civil dispute.

Considering the background of allegation, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of prayer for anticipatory bail. Hence, 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.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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