

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1058 of 2019**

Arising Out of PS. Case No.-5 Year-2017 Thana- MAHILA P.S. District- Samastipur

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1. Vijay Kant Jha Son of Late Bishwanath Jha
 2. Subhadra Devi W/o Vijay Kant Jha
 3. Prasant Kumar Jha Son of Vijay Kant Jha
- All Resident of Village- Arauth, P.S.- Rosera, District- Samastipur.
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prem Prakash Poddar
For the Respondent/s	:	Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-03-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 24.01.2019 passed by the learned 1st Addl. District Judge-cum-Special Judge, SC/ST Act, Samastipur in ABP No. 215 of 2019 arising out of Mahila P.S.Case No. 05 of 2017 registered under Sections 376, 504 and 506/34 of the Indian penal Code and Sections 3(i)(r) (s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that son of the appellant nos. 1 and 2 has committed rape upon the daughter of the informant and when she had gone to protest about the same, they abused and assaulted her.

Submission of learned counsel for the appellants is that there is no allegation of rape against the appellants and they have



falsely been implicated in this case. He submits that appellants have not been named in the FIR however charge sheet has been submitted against them in the year 2018.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge-cum- SC/ST Act, Samastipur in ABP No. 215 of 2019 arising out of Mahila P.S.Case No. 05 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that they have to co-operate in disposal of trial and shall have to appear as and when required by the court.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

