

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1570 of 2019**

Arising Out of PS. Case No.-118 Year-2018 Thana- SC/ST District- East Champaran

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ABHISHEK ANAND @ ABHISHEK KUMAR Son of Sri Ram Prasad @
Ram Singh Resident of Village- Kamepatti, P.S.- Ladaniya, District-
Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Madhurendra Kumar
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 28-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 19.02.2019 passed by learned 1st Additional
Sessions Judge-cum-Special Judge SC/ST (POA) Act, East
Champaran in connection with SC/ST Motihari P.S. Case No.
118 of 2018, registered under Sections 341, 323, 376, 504,
506/34 of the Indian Penal Code and under Section 4/6/10 of
POCSO Act and also under Section 3 (i) (r) (s) (w-ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Appellant is said to have married with the informant in the temple and took her to his house but his uncle refused to allow her to live in the house then his father kept both of them at the house of his son-in-law and daughter. She lived there with appellant happily for three months and became pregnant but subsequently uncle, father, brother-in-law and sister of the appellant slated her in the name of her caste, assaulted her and drove her out from their house.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case. Informant happens to be wife of the appellant and he wants to keep the informant with him but for want of accommodation he is unable to keep her. There is no allegation of any sort of assaulting the informant and slating her in the name of her caste against the appellant hence, no offence under SC/ST Act is made out against the appellant. He has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, East Champaran at Motihari in connection with SC/ST Motihari P.S. Case No. 118 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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