

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4362 of 2018

Arising Out of PS. Case No.-473 Year-2018 Thana- SHERGHATI District- Gaya

Sanjeev Kumar, Son of Late Vijay Saw, Resident of Village- Dobhi Pokhara,
P.S.- Sherghatti (Dobhi), District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheikh Arkan Ahmad
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-01-2019 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 of anticipatory bail dated 05.10.2018 passed by the learned Special Judge SC/ST Act, Gaya in ABP No. 197 of 2018 arising out of Sherghatti (Dobhi) P. S. Case No. 473 of 2018 registered under Section 376 of the Indian penal Code and Section 3(1)(W)/II/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellant is that he made physical relationship with the informant when she had gone to his clinic.

Submission of learned counsel for the appellant is that the informant, in her statement recorded under Section 164 Cr.P.C. has completely denied the prosecution story and her age is 26 years which will also appear from her statement.



Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, abovenamed, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Gaya in ABP No. 197 of 2018 arising out of Sherghatti (Dhobhi) P. S. Case No. 473 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellant shall co-operate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

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

(Vinod Kumar Sinha, J)

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