

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4396 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- BAHERA District- Darbhanga

Manish Kumar Jha @ Chintu @ Chintu Jha Son of Sri Uma Kant Jha,
Resident of Village-Amaithi, P.S.-Bahera, District-Darbhangha.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Manish Kumar No 13 Mr. Rohit Kumar, Advocate
For the Respondent/s	:	Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 31-01-2019

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 02.08.2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in ABP No. 1036 of 2018 arising out of Bahera P.S.Case No. 104 of 2018 registered under Sections 323, 341, 376 and 504 of the Indian penal Code and Sections 3(1)(w)(i)/3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is of committing rape upon the informant on the pretext of marriage and once she became pregnant and taken to Delhi but on the way he left her.

Submission of learned counsel for the appellant is that



statement of the victim itself shows that she was aged about 18 years and the medical report does not show that she is pregnant and later on a compromise petition has also been filed by the informant.

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) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in ABP No. 1036 of 2018 arising out of Bahera P.S.Case No. 104 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Vinod Kumar Sinha, J)

suji/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

