

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4513 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- MAHILA P.S. District- Bhabhua (Kaimur)

Rafique Khan, son of Hafiz Khan, rV- Sikanderpur, P.S.- Chainpur, District-
Kaimur at Bhabua.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinod Kumar Seth
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 24-01-2019

This is an appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 11.10.2018 passed by the learned 1st Addl. Sessions Judge, Kaimur at Bhabua in ABP No. 1331 of 2018 arising out of Mahila (Bhabua) P.S.Case No. 54 of 2018 registered under Sections 323, 341, 354 and 354A/34 of the Indian penal Code and Sections 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is of trying to outrage the modesty of the informant.

Submission of learned counsel for the appellant is that a case has been lodged against the informant earlier to the present



case by the appellant's side for abusing and assaulting as well as outraging the modesty bearing Chainpur P.S. Case No. 238 of 2018 and thereafter present case has been lodged in order to save her skin.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let appellant named above, 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 learned 1st Addl. Sessions Judge, Kaimur at Bhabua in ABP No. 1331 of 2018 arising out of Mahila (Bhabua) P.S. Case No. 54 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 with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

