

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3636 of 2019

Arising Out of PS. Case No.-396 Year-2018 Thana- SAKRA District- Muzaffarpur

1. Jagdeo Das S/O Late Jhagru Das Resident of Village- Mahmadpur Mohan, P.O.- Mahmadpur Badal, P.S.- Sakra, District- Muzaffarpur.
2. Sunaina Devi W/o Jagdeo Das Resident of Village- Mahmadpur Mohan, P.O.- Mahmadpur Badal, P.S.- Sakra, District- Muzaffarpur.
3. Kapal Das S/O Late Jhagru Das Resident of Village- Mahmadpur Mohan, P.O.- Mahmadpur Badal, P.S.- Sakra, District- Muzaffarpur.
4. Chinta Devi W/O Kapal Das Resident of Village- Mahmadpur Mohan, P.O.- Mahmadpur Badal, P.S.- Sakra, District- Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Prasad Karn

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 17-10-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 11.06.2019 passed by learned 1st Addl. Sessions Judge, Muzaffarpur in Sakra P.S. Case No. 396 of 2018 registered under Sections 376, 504, 506/34 of the Indian Penal Code, Section 4/6 of POCSO Act and Section 3(1)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

While the minor daughter of the informant had gone towards the field, co-accused Arun Das forcibly committed rape against her. Responding hulla made by his daughter, informant and others rushed there and caught hold Arun Das. In the meantime, appellants, who happen to be parents, uncle and aunt of said Arun Das arrived there and slating them in the name of their caste and asked to release Arun Das else to face dire consequence.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case merely because they happen to be parents, uncle and aunt of Arun Das and due to land dispute pending between the parties as Title Suit No. 95/2017 has been filed by appellant no. 4 against uncle of the informant, namely, Jamun Ram and others and Title Suit No. 97/2017 has been filed by Urmila Devi cousin sister-in-law (Bhabhi) of Arun Das against Joginder Ram (father of the informant) and others. There is no allegation of slating the informant and others in specific name of their caste. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Muzaffarpur in Sakra P.S. Case No. 396 of 2018, subject to the 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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