

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4209 of 2018

Arising Out of PS. Case No.-474 Year-2016 Thana- COMPLAINT CASE District-
Kishanganj

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1. Subash Karmkar and Anr S/o Dinesh Karmkar @ Dinesh Prasad Karmkar
 2. Shahnawaz @ Lal Babu S/o Najamuddin Both Resident of Village-Jhingakatta,P.S. Bahadurganj,Distt.-Kihanganj

... .. Appellant/s

Versus

1. State Of Bihar and Anr
2. Basanti Kumari D/o Jagdish Lal Harijan Both Resident of Village-Jhingakatta,P.S. Bahadurganj,Distt.-Kihanganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Diwakar Sinha
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-01-2019 Heard the parties.

The appellants seek pre-arrest bail in Special Case No.03C/16 arising out of Complaint Case No.474 of 2016 registered under Sections 376, 313, 323, 120B of the I.P.C. and Section 3 (1) (r) (s)3 (r)(va) of SC/ST (Prevention of Atrocities) Act.

Allegation against the appellant no.1 is of establishing physical relationship with the informant and when she became pregnant and asked for marriage he refused and appellant no.2 along with others tried to miscarriage her pregnancy.

Submission of the learned counsel for the appellants is that the Medical report does not support the prosecution story and so far appellant no.2 is concerned, there is no allegation of



rape against him rather he tried to miscarriage the pregnancy.

Heard the learned Special P.P. also.

Having heard both sides and in view of the facts and circumstances of the case, so far appellant no.1 is concerned, I am not inclined to grant privilege of anticipatory bail. His prayer for anticipatory bail is rejected. So far appellant no.2 is concerned, let the appellant no.2, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the Special Judge, SC/ST Act, Kishanganj, in Special Case No.03 of 2016 arising out of Complaint Case No.474 of 2016 subject to the conditions as laid down under Section 438(2) of Cr.P.C. and bailors of the appellant will be of local having sufficient movable and immovable properties within the jurisdiction of the court concerned.

This appeal is disposed of with above direction and impugned order is set aside so far appellant no.2 is concerned.

(Vinod Kumar Sinha, J)

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