IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4601 of 2018

Arising Out of PS. Case No.-563 Year-2017 Thana- FATUA District- Patna

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Tulla @ Tula S/o Rakesh Kumar, Resident of Mirjapur Nohta, P.S.-Fathuha, District- Patna.

... ... Appellant/s

Versus

The State Of Bihar

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Bhaskar Shankar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT
Date : 29-01-2019

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 31.10.2018 passed by the learned Addl. Sessions Judge 1st -cum-Special Judge, POCSO, Patna in ABP No. 7676 of 2018 arising out of Fatuha P.S.Case No. 563 of 2017 registered under Sections 354B/34 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences Act.

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

Submission of learned counsel for the appellant is that

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whole allegation is false and concocted and moreover both parties have settled the dispute outside the court and a petition to that effect has also been filed to the court of Special Judge.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, 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 Addl. Sessions Judge 1st -cum-Special Judge, POCSO, Patna in ABP No. 7676 of 2018 arising out of Fatuha P.S.Case No. 563 of 2017 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)

sujit/-

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