

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5381 of 2019**

Arising Out of PS. Case No.-33 Year-2019 Thana- SC/ST District- Vaishali

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VIJAY KUMAR THAKUR @ MUNNA THAKUR Son of Late Shiva Chandra Thakur Resident of Village - Panapur Langa, P.S.- Sadar (Hajipur), Distt.- Vaishali, at Present Mohalla - Bhagwat Market, Kutchehary Road, Hajipur, P.S.- Town (Hajipur), Distt.- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Uday Prakash Shharma, Adv

For the Respondent/s : Mr.Binay Krishna, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 10-12-2019

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 27.11.2019 in SC/ST Hajipur P.S.Case No.33 of 2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Hajipur at Vaishali registered under Sections 376,341,323,504,379 of the Indian Penal Code and Sections 3(i)(r)(s)3(2)(xii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The matter was adjourned for today on the prayer of learned counsel for the informant, however, no one appears on behalf of the informant.



Learned counsel for the appellant submits that learned counsel for the informant verbally told that he had no instruction from the client now.

Appellant is an advocate. He was appearing on behalf of the husband of the informant of this case in Case No.304 of 2014 , a case under Section 498A I.P.C. pending in the court at Hajipur. The aforesaid fact finds substantiated from the Vakalatnama filed by the appellant in that case. A copy of the same is available with supplementary affidavit. Appellant has stated on oath that he has got no criminal antecedent.

Allegation in the FIR is that the appellant asked the informant to come to his residence and assured for help of every kind in the case. Believing the appellant, the informant agreed to everything what the appellant said and taking advantage of the situation, the appellant made physical relation with her and got a video clip of what the appellant did. Showing the same to informant the appellant sexually exploited the informant off and on. After the same occurrence committed against the informant on 08.09.2019, the FIR was lodged.

Learned counsel for the appellant submits that no video clip was provided to the police to substantiate the allegation rather entire allegation is concocted one, just to harass the appellant in



not appearing for the husband of the informant in the criminal case pending before the court. Learned counsel for the appellant further submits that the informant is in the habit of lodging false criminal cases to get wrongful gain. She had lodged Complaint Case No.2958 of 2012 in the court of learned Chief Judicial Magistrate, Hajipur, (a copy at Annexure-2), against the local Block Development Officer, alleging therein that the Block Development Officer called her at his residence and to show some favour established physical relation with the complainant. Learned counsel for the appellant further submits that the same informant had filed a case for theft against her landlord. Likewise a lady Doctor, Dr. Priyanka had lodged a criminal case against the informant of this case and others. Appellant is in custody since 17.11.2019.

Considering the entire background of the case as well as the background of the present allegation, if the professionals would be allowed to be harassed in the manner as has been done by the informant in this case, it would be very difficult, to survive or stand for anyone, for the man like the appellant. Therefore, in my view, the appellant deserves to be released on bail. Accordingly, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two



sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2019
Transmission Date	14.12.2019

