

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1520 of 2020**

Arising Out of PS. Case No.-60 Year-2020 Thana- UJIYARPUR District- Samastipur

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AMALESH KUMAR MEHTA @ SUGRIV @ SAURAV Son of Late Anil
Mehta Resident of Village- Paroriya, P.S.- Ujjiyarpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Malay Kumar Choudhary
For the Respondent/s : Mrs. Usha Kumari No.1

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 27-11-2020 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State through virtual Court

proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 04.03.2020 passed by learned 1st Additional
Sessions Judge cum Special Judge (SC/ST Act), Samastipur in
connection with SC/ST P.S. Case No. 60 of 2020 registered
under Sections 341, 342, 376 & 506 of the Indian Penal Code
and Section 3(1) (r) (s) (w) (I)/ 3 (2) (va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



While the daughter of the informant had gone to attend call of nature on the eastern side of the house, appellant is said to have took away her on the point of pistol by tying her hand and mouth, the appellant committed rape against her. The appellant also slated him by using his caste name.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to land dispute. As a matter of fact, the prosecution party have forcefully captured the land of the appellant in the village and they were trying to construct the structure which was objected and due to that reason the present false and fabricated case has been lodged against the appellant. The informant was examined by a medical board, who found her age in between 18-19 years and the medical board has not found any external or internal injury on the body of the victim girl. There is contraction in statement made under Section 161 Cr.P.C. and Section 164 Cr.P.C. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant, 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/- (Rupees Twnty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Samastipur in connection with SC/ST P.S. Case No.60 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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