

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2132 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- MAHILA P.S District- West Champaran

1. RAJKUMAR SHUKLA, aged about 28 years, Male.
2. RUPESH SHUKLA @ RUPESH KUMAR @ BHOLI SHUKLA, aged about 25 years, Male.

Both are son of Babusaheb Shukl @ Babusaheb Shukla @ Babulal Shukla, resident of Village- Karanmeya, P.S.- Bettiah (Muffasil), District- West Champaran

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 24-02-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “S.C./ST Act”) against the order dated 27.08.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran at Bettiah, in connection with Bettiah (Sadar) Mahila P.S. Case No. 15 of 2019, registered for the offence under Section 366A of the Indian Penal Code, under Sections 3(i)(w-i) (w-ii) 2 (v-a) of the SC/ST Act and under Sections 12 and 17 of the POCSO Act, by which the Court below has



rejected the prayer for anticipatory bail of the appellants.

From the F.I.R. it appears that the minor girl was lifted by the son of Dasrath Chaudhary and after sometime, the girl became pregnant. Whereupon, a *panchayati* was called and *Panches* suggested that Dasrath Chaudhary will keep the victim girl as it is the prestige of the village, whereupon her pregnancy was aborted by Babusahed Shukla and Dasrath Chaudhary.

Learned counsel for the appellants submits that the appellants were the *Panches* of that *Panchayati*. He further submits that the Police has submitted the Final Form and on protest petition there is no allegation against these appellants.

Looking to the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran at Bettiah, in connection with Bettiah (Sadar) Mahila P.S. Case No. 15 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. This is also subject to further conditions that (i) one of the bailors shall be a close relative of the appellants and (ii) 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 bonds of the appellants.

Accordingly, the impugned order dated 27.08.2020
is set aside. Consequently, this appeal stands allowed.

(Shivaji Pandey, J)

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