

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5466 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- SC/ST District- Sheohar

MD. HIDYATULLAH @ MD. LALBABU SON OF LATE ABDUL
BADOOD R/O VILLAGE- BASAHIYA SHEIKH, P.S.- PIPRAHI, DIST.-
SHEOHAR

... .. Appellant/s

Versus

1. The State of Bihar PATNA
2. MEENA DEVI WIFE OF SRI BACHAN THAKUR R/O VILLAGE-
BASAHIYA (SHEIKH), P.S.- PIPRAHI, DIST.- SHEOHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amrit Abhijat, Advocate
For the Respondent/s	:	Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 09-08-2024 Heard Mr. Amrit Abhijat, learned Counsel for the
petitioner and the State.

2. 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 “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 18.01.2022 in A.B.P. No. 126 of 2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sheohar in connection with Mahila Thana Sheohar P.S. Case No. 02 of 2022 registered for the offences punishable under Sections 323, 452, 376, 504 and 506 of the Indian Penal Code as well as Sections 3(1)(r)(b), 3(2)(va) of the



SC/ST Act.

3. The allegation of the informant is that the appellant had taken the picture and on threatening to make it viral, he made physical relationship. This happened again and again and when her husband came to know about it, the appellant assaulted him and as she tried to intervene, was beaten by hair. Accordingly, the case.

4. Learned Counsel for the appellant submits that though she is an adult, only to save her marital status, implicated this petitioner with pictures and in that background, he has already suffered by being in custody since 06.10.2023 (as stated in paragraph no. 11 of the petition). The last submission is that the appellant do not have criminal antecedent.

5. Learned Special P.P. opposes the prayer submitting that on the ground of making the picture viral, the petitioner repeatedly raped her.

6. In this case, notices were issued to the opposite party as per the office report, it was validly served but no one is there to oppose the prayer. There is a case against the petitioner, in that background, his anticipatory bail was rejected in Cr. APP (SJ) No. 1354 of 2022, thereafter he surrendered and is now in custody since 06.10.2023. The contention of the petitioner is



that it was physical relationship between the two adults, but to implicate the theory of viral picture made.

7. Taking note of the aforesaid submissions as also that he does not have criminal antecedent and in that background, this Court deems it fit and proper to extend him the relief sought for.

8. The order dated 07.11.2023 passed by the learned Additional Sessions Judge- cum- Special Judge- I, SC/ST, Sheohar in Sheohar SC/ST P.S. Case No. 02 of 2022 is set aside and the appeal stands allowed.

(Rajiv Roy, J)

Vijay Singh/-

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