

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42105 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -MAHILA P.S. District- MADHUBANI

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Sujeet Mandal @ Sanjeet Mandal Son of Bindeshwari Mandal Resident of
Village- Bisfi hat, P.S. Bisfi, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Parmanand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 05-12-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Section-376 of the Indian Penal Code.

There is allegation against the petitioner that he used
to sexually exploit the informant on false promise of marriage
since last 8-9 months but submission on behalf of the petitioner is
that the statement of informant recorded u/S 164 of the Cr.P.C. as
well as the statement of her parents goes to show that she was a
consenting party and as a matter of fact, when she (informant) and
the petitioner were caught red handed by parents of the informant,
the informant lodged this case with an exaggerated story. It is also
pointed out by him that according to fardbyan itself, the informant
was major at the relevant time.

Considering the above-said facts and circumstances



of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Mahila P.S. Madhubani Case No. 43 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Madhubani.

However, before parting with the order, I would like to mention here that by SC/ST (Prevention of Atrocities) Amendment Act, 2015, a new Section-14 has been inserted and the proviso of the aforesaid section says that the exclusive Special Court shall have power to directly take cognizance of offences under the above-said Act but in the present case, it appears that even after application of above-said amended proviso, learned Judicial Magistrate has taken cognizance of the offences of SC/ST (Prevention of Atrocities) Act.

Therefore, in the aforesaid circumstance, the concerned Judicial Magistrate shall proceed in accordance with law and transmit the record to the concerned Special Court for needful.

(Hemant Kumar Srivastava, J)

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