

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.721 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

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1. Jamaluddin @ Aftab Son of Abdul Satar Resident of Village-
Sahdullehpur, P.S. - Gopalganj, District Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh

For the Respondent/s : Mr. Smt. Abha Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 22-11-2016 Heard the parties.

The appellant is aggrieved by an order, dated 22.06.2016, passed by learned Additional District and Sessions Judge –I, Gopalganj, in Bail Application No. 1467 of 2016, arising out of Gopalganj Mahila P.S. Case No. 16 of 2016, registered for the offences punishable under Sections 493, 376, 363 and 366 of the Indian Penal Code and Section 3(i)(xi)(xii) of Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act. The appeal has been preferred under Section 14A(2) Act.

Referring to the First Information Report, learned counsel for the appellant has submitted that no offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is made out nor any offence is made out under Section 366 or 376 of the Indian Penal Code. According to him, it

is evident from the First Information Report that the informant is a major and she had come to the appellant out of her own sweet will and the allegation of inducement for marriage is just a superimposition.

Learned counsel for the appellant appears to be right in his submission on perusal of the First Information Report. There is no allegation against the appellant of inducement or use of force. There is nothing to show that the appellant shall flee away from the course of Trial, if released on bail. The appellant is in judicial custody since 04.05.2016.

Considering the above, this appeal is allowed. The order, dated 22.06.2016, passed by learned Additional District and Sessions Judge –I, Gopalganj, in Bail Application No. 1467 of 2016, is set aside.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Gopalganj in connection with Gopalganj Mahila P.S. Case No. 16 of 2016.

(Chakradhari Sharan Singh, J)

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