

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.927 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

1. Nandan Bhagat Son of Harkhu Bhagat, Resident of Village- Paikpar
Ward No. 2, Police Station - Bhargama, District - Araria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 09-11-2016 This appeal has been preferred under Section 14A of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989.

The appellant is aggrieved by an order, dated 16.08.2016
passed by the learned Ist Additional Sessions Judge, Araria,
whereby his application for regular bail in connection with Mahila
Police Station Case No. 53 of 2016 (G.R. No. 2071 of 2016) has
been rejected.

The First Information Report has been registered
disclosing offences punishable under Sections 376,504,506/34 of
the Indian Penal Code and Sections 3(i) (xii) (2) (v) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989.



It is alleged in the First Information Report that the appellant established physical relationship with the informant on the assurance of marriage and subsequently he retracted from his promise. It is also alleged that the informant became pregnant and on the date of the lodging of the First Information Report, she was carrying one and half months' pregnancy.

Learned counsel appearing on behalf of the appellant has submitted that the implication of the appellant in a false case is motivated. He has further submitted that even if the allegations as contained in the First Information Report are treated to be true, no offence under Section 376 of the Indian Penal Code is made out for the reason that the informant was major and there is no allegation of any inducement or use of force. He has also submitted that the allegations made in the First Information Report stand belied by the doctor's report, who has found that the informant was not pregnant on the date of examination, viz, 16.07.2016. The First Information Report was registered on 15.07.2016.

Learned counsel for the appellant has submitted that these aspects, which were germane for the Court below for consideration of the appellant's application for regular bail have not been considered and, therefore, rejection by the Court below

of the appellant's application for regular bail needs interference by this Court.

I find substance in the submission made on behalf of the appellant on perusal of the First Information Report, medical report and the impugned order.

The impugned order, dated 16.08.2016, passed by the learned First Additional Sessions Judge, Araria in B.P. No. 682 of 2016 is, accordingly, set aside.

The appellant is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Araria in Mahila P. S. Case No. 53 of 2016 (G.R. No. 2071 of 2016).

(Chakradhari Sharan Singh, J)

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