

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1049 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -ARER District- MADHUBANI

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Raja Kumar Mahto @ Raj Kumar Mahto S/o Late Rajendra Mahto, Resident of
Village- Dhakjari, Police Station- Arer, District- Madhubani.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Ashok Kumar Prasad, Adv.
Mr. Prabhas Ranjan, Adv.

For the Respondent : Mr. Sadanand Paswan, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

Date: 16-12-2016

1. Heard learned counsel for the appellant as well as
learned Special Public Prosecutor for the State.

2. This criminal appeal filed under Section 14(A) (2) of
S.C./S.T. (Prevention of Atrocities) Amendment Act is preferred
against the impugned order dated 08.09.2016 passed by learned 1st
Additional Sessions Judge, Madhubani by which and whereunder he
refused to grant the privilege of anticipatory bail to the appellant, who
was made accused in Arer P.S. Case No. 14 of 2016 registered for the
offences punishable under Sections 493, 341, 323, 354, 504/34 of the
Indian Penal Code and Section 3(x) of S.C./S.T. (Prevention of
Atrocities) Act.



3. The informant gave written report to Officer in charge of Arer police station stating therein that she was a married lady but the appellant on the promise of false marriage, established physical relation with her as a result whereof, she became pregnant and after that the appellant brought her to his home but he fled away from his house. She further alleged that the family members and relatives of the appellant ousted her from her matrimonial home.

4. The impugned order goes to show that the case was found true by the police for the offences punishable under Section 493 of the Indian Penal Code and Section 3(XII) of S.C./S.T. (Prevention of Atrocities) Act.

5. Submission on behalf of the appellant is that no case of S.C./S.T. (Prevention of Atrocities) Act is made out and even if the prosecution story assumed to be true, then also, the fact and circumstance of the case goes to show that the informant being a major lady was a consenting party.

6. Considering the facts and circumstances of the case as well as submissions of the parties, in my view, this criminal appeal is liable to be allowed and accordingly, this criminal appeal is allowed and the impugned order dated 08.09.2016 passed by learned 1st Additional Sessions Judge, Madhubani in A.B.P. No. 612 of 2016 is, hereby, set aside.



7. Accordingly, it is ordered that above named appellant, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ajay Kumar II, Judicial Magistrate 1st Class, Benipatti, Madhubani in Arer P.S. Case No. 14 of 2016 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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