

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1046 of 2016

Arising Out of PS.Case No. -27 Year- 2015 Thana -HARIZAN District- MUNGER

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Suraj Ram @ Suraj Kumar, Son of Kishore Ram, Resident of Village- Dilwarpur,
P.S. Kotwali, District- Munger.

.... Appellant.

Versus

The State of Bihar

.... Respondent.

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Appearance :

For the Appellant : Mr.

For the State : Mr.

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

ORAL JUDGMENT

Date: 16-12-2016

Heard learned counsel for the appellant as well as
learned APP for the State.

2. This criminal appeal filed under section 14 A(2) of the
SC/ST (Prevention of Atrocities) Amendment Act is preferred
against the order dated 28.09.2016 passed by learned Additional
Sessions Judge 1st, Munger, in B.A.No. 520 of 2016 by which the
prayer for bail of the appellant in connection with Munger SC/ST P.S
Case No. 27 of 2015 has been rejected

3. Learned counsel appearing for the appellant challenged
the impugned order on the ground that the present case was lodged on
the basis of complaint petition which was filed on 01.10.2015 but
before filing of the complaint petition, the statement of deceased was
recorded by police on 24.09.2015, while she was admitted in Sadar



hospital, Munger and in the aforesaid statement, she stated that she was in love with the appellant and she as well as appellant solemnized their marriage in a temple and, subsequently, both consumed poison by their own sweet will.

4. Learned counsel for the appellant submitted that the learned court below failed to take note of above stated statement of victim and if the statement of victim is taken into consideration, neither the offences under the SC/ST Act nor under the Indian Penal Code are made out against the appellant.

5. Considering the aforesaid facts as well as submissions of the parties, this criminal appeal is allowed and the impugned order dated 28.09.2016 passed by learned Additional Sessions Judge 1st , Munger, in B.A.no.520 of 2016 stands set aside.

6. Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Munger in connection with Munger SC/ST P.S.Case No. 27 of 2015

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

