

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2726 of 2018

Arising Out of PS.Case No. -95 Year- 2017 Thana -MAUZAHDIPUR District- BHAGALPUR

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1. Dayanand Sharma, S/o Ramotar Sharma, R/o Vill. - Warsaliganj, P.S. -
Mojahidpur (Babarganj), District - Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 28.06.2018 in STR No. 780 of 2017 arising out of Mojahidpur P.S. Case No. 95 of 2017 passed by the learned Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with the aforesaid case registered under Sections 341, 323, 504, 324, 307, 376/34 of the Indian Penal Code as well as Section 3(i)(r)/3(i)(w)(ii)/3(2)(v)(a) of the SC/ST Act.

The appellant was in physical relation with the informant pretending that he would marry with the informant. The FIR was lodged when the appellant was going to marry with another girl. The victim was examined during course of trial as witness no. 3.



In the examination in chief she has supported the aforesaid allegation. However, in the cross-examination she stated that she has already compromised the matter because she was already married, 20 years before, with some other person and she is mother of a child of 15 years. The appellant did not have any physical relation with her.

Considering the aforesaid statement of the victim and fate of the trial, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	15.08.2018
Transmission Date	15.08.2018

