

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2097 of 2018

Arising Out of PS.Case No. -57 Year- 2017 Thana -MAHILA P.S. District- SEKHPURA

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1. Mahendra Prasad Son of Late Bihari Prasad Resident of Village - Girihinda,
Ward No. 23, Police Station - Sheikhpura, District - Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Kumar, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 31-07-2018

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 against the refusal of prayer for bail by order dated 25.05.2018 by the learned 1st Additional District and Sessions Judge, Sheikhpura, in connection with SC/ST Case No.325 of 2017 arising out of Sheikhpura (Mahila) Police Station Case No.57 of 2017 registered under Sections 341,323,376,420,504,506,379/34 of the Indian Penal Code and Section 3(1)(R)(W) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant has already filed Eviction Suit No.01 of 2017 in the court of learned Civil Judge (Jr. Division) ,



Sheikhpura against informant of this case, praying therein for a decree of ejectment. The suit was filed on 28.11.2017. Thereafter, the present FIR was lodged, alleging therein that the appellant was in physical relation with the informant, who is a widow lady by pretending that the appellant would transfer his land in favour of the informant and shall ensure her maintenance and marriage of the children.

Submission of the learned counsel for the appellant is that just to pressurize, the present false case has been lodged. The informant is a life convict of the murder of her husband and she is in the habit of lodging such type of cases against different persons. Two of the such FIRs are already on the record as Annexure-4 series. Learned counsel for the appellant further submits that the appellant is in custody since 03.04.2018. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail, firstly, on the ground that the appellant has got criminal antecedent including a case of identical nature lodged by one Rina Devi.

Even if the allegation in the FIR is assumed to be correct, the matter is of consensual physical relation between two adults, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the



learned Court-below where the case is pending in connection with the aforesaid case, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further 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)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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