

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3101 of 2018

Arising Out of PS.Case No. -11 Year- 2018 Thana -MAHILA P.S. District- BANKA

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1. Upendra Kumar Soni @ Raja Kumar @ Raja, Son of Sri Uttam Sah @ Uttam Kumar Sah, resident of Village- Radhanagar, P.O. + P.S.- Katoria, District- Banka (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Narain, Advocate
Mr. Alok Ranjan, Advocate

For the Respondent/s : Mrs. Usha Kumari No.I, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

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 vide order dated 12.07.2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Banka, in connection with Mahila Police Station Case No.11 of 2018, registered under Sections 376/493/313/354D/34 of the Indian Penal Code and Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant forcefully married with the informant and thereafter he was in physical relation for years. Subsequently, refused to recognize her as wife.



Submission of the learned counsel for the appellant is that in the facts and circumstances no offence under Section 376 of the Indian Penal Code is made out as the informant has stated in the FIR itself that she is aged about 18 years. Moreover, the witnesses examined before the police stated that the matter was of love-affairs between the appellant and the victim and they have voluntarily married.

Considering the nature of allegation and the nature of material, 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 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 appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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