

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3872 of 2018**

Arising Out of PS. Case No.-114 Year-2018 Thana- BYPASS District- Patna

Chhotu @ Roshan Kumar Sinha, S/o Late Ramesh Kumar Sinha, Resident of  
Bhuski Khushrupur, P.S. Khushrupur, District Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Pramod Kumar Bhartiya  
For the Respondent/s : Smt Usha Kumari No-1

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 21-12-2018**

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 04.08.2018 in Special Case No. 177 of 2018 passed by the learned 4<sup>th</sup> Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with By-pass P.S. Case No. 114 of 2018 registered under Section 376 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.

The informant, who is a major girl, was in physical relation with the appellant as both were working in the same cultural programme and intimacy had developed between them.



Submission is that the appellant is in custody since 21.04.2018. Allegation is under Section 498A of the Indian Penal Code also.

Considering the fact that the victim was a consenting party to her relationship with the appellant, 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

**(Birendra Kumar, J)**

Kundan/Rajan

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| AFR/NAFR          | N.A.       |
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