

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.396 of 2018

Arising Out of PS.Case No. -219 Year- 2017 Thana -PIRO District- BHOJPUR

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1. Shailendra Kumar Son of Lal Babu Singh Resident of Village- Saropur,
Police Station- Piro, District- Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramashray Roy, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned 1st Additional Sessions Judge, Bhojpur at Ara, in connection with SC/ST Case No.594 of 2017, arising out of Piro Police Station Case No.219 of 2017 registered under Section 376 of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(1)(r)(s)w(I)(II)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that the parties were in physical relation with consent and on assurance of the appellant that he would marry with the informant. When the appellant



refused to marry, the FIR was lodged. The medical report would show that the victim was in between 17-19 years. The appellant is in custody since 26.08.2017. Investigation of the case is already complete and the appellant is ready to cooperate with the trial.

Considering the aforesaid facts especially the fact that the victim is a consenting party and the appellant has already remained in custody for such a long period, 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)

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