

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2131 of 2018

Arising Out of PS.Case No. -7 Year- 2017 Thana -GAYGHAT District- MUZAFFARPUR

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1. Bhagya Narayan Sahni, Son of Sikander Sahni, R/o Village- Dhobauli, P.S.-
Gayghat, District- Muzaffarpur. Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Parasmani, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-07-2018

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 30.05.2018 by the learned Special Judge (S.C./S.T. Act), Muzaffarpur, in connection with Gayghat Police Station Case No.07 of 2017 registered under Sections 376 of the Indian Penal Code and Section 3(2)(v)a/3(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is already a married lady, she was in physical relation with the appellant since long. When the appellant refused to marry with her, she lodged the case.

Submission is that the victim is major and apparently is a consenting party, knowing the fact that she has already married with another person.



Considering the nature of allegation and 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 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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