

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2001 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -MAHILA P.S. District- PATNA

=====

1. Dharam Shankar Singh @ Sunil Singh, Son of Late Amir Singh, Resident of
Main Road, Bagaha-1, Ward No.25, P.S.- Bagaha, District- West Champaran at
Bettiah. Appellant/s

Versus

1. The State of Bihar. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shyam Kant Singh, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

=====

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 14.05.2018 in Special Case No.79 of 2018 arising out of Mahila P.S.Case No.21 of 2018 passed by the learned Special Judge (S.C./S.T.), Patna, registered under Sections 376,307,384,506 of the Indian Penal Code, Section 3(I)(W),(I,II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 66 'A' of I.T.Act.

For the occurrence dated 10.02.2018, three F.I.Rs were lodged. First one was Gandhi Maidan P.S.Case No.43 of 2018 lodged by the husband of the informant of the present case, alleging therein that this appellant was inside his house, where wife and children of the informant were also there. They were not opening the door. Therefore, informant broke open the



door and saw that wife is at the roof. Being infuriated the appellant, assaulted to the informant and informant also sustained injury during the occurrence.

Thereafter, this appellant lodged Gandhi Maidan P.S.Case No.44 of 2018, alleging therein that the informant of this case and her husband were tenant in his house. They had called the appellant for settlement of due rent and they bitterly assaulted to the informant (this appellant).

Thereafter, the present FIR was lodged, alleging therein that the appellant was in possession of some nude photographs of the informant and by blackmailing, the appellant was in physical relation with her since last three years. However, she did not disclose to anyone. On 10.02.2018, she was caught alongwith the appellant inside the house by the husband and thereafter she disclosed the incident to her husband on 12.02.2018 and FIR was lodged on 14.02.2018.

Submission of the learned counsel for the appellant is that even if the allegation is assumed to be correct, the matter appears to be of consensual physical relation between two adults. When the matter was noticed by the husband, the false FIR has been lodged. Moreover, the entire false allegation is there due to dispute between the landlord and tenant for payment of rent.

Appellant is in custody since 14.02.2018.



Investigation of the case is already closed.

Learned counsel for the State opposed the prayer for bail on the ground of seriousness of the allegation in the FIR as well as criminal antecedent of the appellant.

Learned counsel for the appellant submits that the past criminal cases are there due to land dispute with the cosharer.

Considering the facts aforesaid, 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
Uploading Date	02.08.2018
Transmission Date	02.08.2018

