

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2602 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -MAHILA PS District- GAYA

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1. Pankaj Kumar son of Nandu Mahto, resident of Village- Rampur Bela, P.S.-
Makhdumpur, District- Jehanabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-08-2018

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 27.06.2018 passed by the learned Special Judge (S.C./S.T. Act), Gaya, in connection with Mahila Police Station Case No.37 of 2017, registered under Section 376 of the Indian Penal Code and Sections 3(1)(r)(s)/W(i)(ii)/(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is a major and she was in physical relation with the appellant as the appellant had assured to marry with her. FIR further discloses that the appellant on one occasion put vermilion on her head and introduced to the landlord that informant is his wife.



Submission of the learned counsel for the appellant is that even in the statement under Section 164 Cr.P.C. the informant has stated that she was in physical relationship with the appellant since long. Both are educated person. Appellant is always ready to marry with the informant but the informant is herself not willing to marry with the appellant under pressure of the parents.

Learned counsel for the informant opposed the prayer for bail. The informant is physically present in Court. She is not willing to marry with the appellant.

Considering the aforesaid fact, 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
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