

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3779 of 2018

Arising Out of PS. Case No.-160 Year-2018 Thana- BIRPUR District- Supaul

1. Santosh Yadav @ Santosh Kumar Yadav, son of Ram Krishna Yadav, resident of Village- Jirwa (Ward No. 2), P.S.- Birpur, District- Supaul.,

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Jha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-11-2018

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 20.08.2018 passed by the learned 1st Additional Sessions Judge, Supaul in SC/ST Case No.142 of 2018, arising out of Birpur Police Station Case No.160 of 2018 registered under Sections 376, 448 of the Indian Penal Code as well as Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Though the informant, who is a mother of a child aged about one year has alleged commission of rape by the petitioner.



However, her subsequent statement would reveal that she was in physical relationship with the petitioner and she never made any complaint or protest. But on this occasion, when the matter was noticed by another female member of the family, she lodged the case.

The entire facts would reveal that the matter is of consensual relationship. Hence, 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.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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