

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3866 of 2018

Arising Out of PS. Case No.-273 Year-2018 Thana- JAYNAGAR District- Madhubani

Amit Kumar Sah @ Amit Gupta S/o Ashok Shah, Resident of Sahid Chowk,
P.S. Jaiyanagar, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Iqbal Asif Niazi, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 06.09.2018 in A.B.P. No.1237 of 2018 arising out of Jaynagar P.S. Case No.273 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani registered under Sections 376,494,506 of the Indian Penal Code as well as under Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the informant aged about 33 years, who is in job in a Press, was in physical relation with the appellant, who is neighbour of the informant .



The informant was pregnant from the appellant. Appellant refused to marry with her and was pressurizing her to get the child aborted.

Submission of learned counsel for the appellant is that no offence under Section 376 of the Indian Penal Code is made out as the informant, who is an adult and literate person claims to be in relation with the appellant with her consent rather true fact is that she is in relationship with co-worker-Kundan Kishore and under pressure of Kundan Kishore just for extraneous consideration, present false case has been lodged.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the entire facts of this case aforesaid, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the **appellant shall file affidavit at the time of furnishing bail bond that he would not threat or**



force the informant to get the child in her womb aborted 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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