

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3436 of 2018

Arising Out of PS.Case No. -54 Year- 2018 Thana -MAHILA P.S. District- BHOJPUR

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Kumar Gauraw @ Basant Singh @ Basant son of Ram Pati Singh @ Mukhiyajee,
R/o. village-Majhaua, P.S. Ara Town, District- Bhojpur

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhu Narayan Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2018

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 01.08.2018 passed by the learned Additional Sessions Judge 1st, Ara, Bhojpur, in SC/ST Case No.101 of 2018, arising out of Mahila Police Station Case No.54 of 2018, registered under Sections 342/376/504/506/34 of the Indian Penal Code, Section 4/6 of the POCSO Act and Sections 3(1)(r)(s)/W(i)(ii)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellant was in physical relation with the informant, on the pretext of marriage, since last one and half year. When the appellant started preparation to marry with



another girl, the FIR was lodged.

Submission is that the informant is a consenting party. The appellant is in custody since 23.04.2018. The appellant has got no criminal antecedent. Investigation of the case is already complete.

Considering the entire 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 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
CAV DATE	NA
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