

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.227 of 2019

Arising Out of PS. Case No.-52 Year-2018 Thana- SC/ST District- Purnia

Gopal Prasad Bhagat, aged about 49 years, Male, Son of late Ram Prasad Bhagat resident of village- Rوتا, P.S.- Rوتا, District- Purnea

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	M/s A. K. Thakur Nilesh Kumar Arya Achint, Advocates
For the Respondent/s	:	Mr. Sadanand Paswan, Advocate
For the informant	:	Mr. Amit Kumar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 28-01-2019 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 19.12.2018 passed by the 1st Addl. Sessions Judge-cum-Special Judge (SC/ST), Purnea in connection with Special SC/ST Case No.108/2018 arising out of SC/ST P.S. Case No.52 of 2018 registered under Sections 376, 120-B, 420, 467, 468 and 471 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is to have established



physical relation with the complainant on false promise of marriage. Further allegation is that on the promise to get her employed, the appellant took rupees seven lack from her.

It has been submitted on behalf of the appellant that he is innocent and has falsely been implicated in this case. It has further been submitted that complainant is an adult lady aged about 30 years and she has been consenting party and a concocted story has been planted only to extort money from the appellant. Appellant is in custody since 03.12.2018.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on



two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(S. Kumar, J)

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