

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.250 of 2019

Arising Out of PS. Case No.-783 Year-2018 Thana- HAJIPUR District- Vaishali

Md. Saheb Alam son of Md. Tufail resident of Village-Mianpur,P.S-Hajipur
Town, District--Vaishali

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 31-01-2019 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 **15.12.2018** passed by learned **1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur**, in connection with **Hajipur Town P.S. Case No. 783 of 2018** registered under Sections 366 and 376 of the IPC, Section 3(2) (v) of SC/ST (Prevention of Atrocities) Act and Sections 6, 8 and 10 of the POCSO Act.

Informant who is the victim girl has alleged that on assurance of marriage appellant established physical relation with her and on 24.10.2018 informant along with appellant went to Muzaffarpur and got married on 29.10.2018 in civil court,



Hajipur and on 02.11.2018 appellant in pressure of his parents gave statement before the court that he does not want to keep the Informant.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The Informant has solemnized marriage with the petitioner on her own volition and sweet-will. It has been further submitted that the matter has been compromised between the parties and the compromise petition has been annexed as Annexure-2 to this petition. Appellant is in custody since 03.11.2018.

Learned counsel for the Informant submits that he has no objection if the petitioner is released on bail.

Considering the nature of allegation and the factum of compromise between the parties, 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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