

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.497 of 2019

Arising Out of PS. Case No.-60 Year-2018 Thana- MAHILA P.S. District- Banka *

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AMARJEET KUMAR YADAV, aged about 22 years, (M), Son of Gopal
Yadav Resident of Village-Baidpur, P.S.- Shambhuganj, District- Banka

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 26-03-2019 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 **07.12.2018** passed by learned **Additional Sessions
Judge-I, Banka** in connection with **Banka (Mahila) Case No.
60 of 2018** registered under Section 376 of the IPC and Section
3 (1) (w) of SC/ST (Prevention of Atrocities) Act.

Informant is the victim girl who in her written complaint
has stated that appellant had established physical relation with



her for last one year on promise of getting married with her but, subsequently he refused to marry her and a panchayati was called but he did not turn up.

It has been submitted on behalf of the appellant that no offence of rape is made out against him as there is no allegation of committing any act against the will or consent of appellant. Informant is major aged about 19 years. Appellant has got no criminal antecedent and is in custody since 25.10.2018.

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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