

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1118 of 2019

Arising Out of PS. Case No.-530 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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MD. NURUL @ NURUL Son of Late Jaharuddin, Resident of Village -
Raghopur, P.S.- Bihta, Distt.- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Smt. Kanti Devi Wife of Late Lalan Manjhi Resident of Village - Raghopur,
P.s.- Bihta, Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-04-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A) (2) of SC & ST
(Prevention of Atrocities) Amendment Act, against the refusal of
prayer for bail by order dated 07.01.2019 passed by learned
Additional District and Sessions Judge-cum-Spl. Judge SC/ST,
Patna in connection with Complaint Case no. 530(c) of 2013
registered under Sections 323, 380, 452, 504 of the IPC and
Section 3(X) of the SC/ST Act.

Complainant has filed a complaint case in the court of
Chief Judicial Magistrate, Danapur under different sections of
IPC and SC/ST Act alleging therein that on the pretext of
marriage, appellant had established physical relation with the



complainant for the last one year. On 12.05.2018 appellant had entered into her house and threatened her that he will carry his physical relationship but will not marry her. Enquiry witnesses were also examined and on the basis of materials available on record before the trial court, the court found prima facie case to be made out against the petitioner and took cognizance of the offence under Sections 323, 380, 452, 504 IPC and Section 3(X) of the SC/ST Act and issued summons to the appellant to face trial and for that appellant appeared before the trial court and was taken into judicial custody since 28.12.2018 .

It has been submitted on behalf of the appellant that allegations are false and concocted and even assuming it to be true, no criminal offence is made out against the appellant. Appellant has no criminal antecedent and he is in custody since 28.12.2018.

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/- (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, with following conditions:-

(I) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(ii) appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(iii) 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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