

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4810 of 2018

Arising Out of PS. Case No.-167 Year-2018 Thana- MAHILA P.S. District- Patna

Mithun Kumar, son of Raj Kumar Chauhan @ Kumari Chauhan, resident of Mohalla- Digha Chauhatta near Surya Mandir, P.S. Digha, District- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shakti Suman Kumar
For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-01-2019 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 20.11.2018 passed by learned 4th Addl. District & Sessions Judge cum Special Judge SC/ST Act, Patna in Spl. Case No. 599 of 2018 in connection with Mahila P.S. Case No. 167 of 2018 registered under Sections 376 and 420 of the Indian Penal Code and Section 3(i)(r)(w) and 3(2)(Va) of the SC/ST Prevention of Atrocities Act, 1989.

Informant has alleged in her written complaint that appellant on promise of marriage established physical relation with her and subsequently when she became pregnant, he



refused to marry her.

It has been submitted on behalf of the appellant that the relations between them were consensual and there is no allegation against appellant of committing any act against the will or consent of the informant. Appellant has no criminal antecedent and he is in custody since 04.11.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with 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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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