

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4553 of 2018

Arising Out of PS. Case No.-63 Year-2018 Thana- MAHILA PS District- Buxar

=====

Amit Kumar, son of Anil Prasad, Resident of village- Sondhila, P.S. Buxar
(M), District- Buxar

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Satyapal Singh, Advocate

For the Respondent/s : Mr.Binay Krishna (APP)

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 07-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of SC & ST Act, 1989 (As amended by Amendment Act 2015) (Act No. 1 of 2016) against the refusal of prayer for bail by order dated 03.09.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Buxar, in connection with SC/ST Case No. 94 of 2018 arising out of Buxar (Mahila) P.S. Case No. 63 of 2018, registered under Sections 341, 376, 493, 494 of the Indian Penal Code and Sections 3(i)(w)(i)(ii) SC /ST (Prevention of Atrocities) Act.

Informant has alleged that she had love affair with appellant and in the year, 2017 petitioner had established physical relation with her on promise of marriage. However, the



marriage of appellant was settled somewhere else and informant became pregnant and petitioner refused to marry her.

It has been submitted that the appellant has been falsely implicated in this case. Informant and appellant both are major and relation was consensual and there is no allegation of any act committed by appellant against her will or her consent . Appellant has no criminal antecedent and is in custody 30.07.2018.

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 :

- (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 Court and his absence on two consecutive dates without sufficient reasons, 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)

Rajiv/-

U		T	
---	--	---	--

