

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1712 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- DINARA District- Rohtas

SARVAJIT KUMAR Son of Dasrath Singh Resident of Village- Dhanej, P.S.-
Karghar, District- Rohtas. Appellant/s

Versus

The State of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr. Prashant Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-11-2020 Heard learned counsel for the appellant and learned
Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 8.6.2019 passed by the learned Additional District and Sessions Judge-1 Rohtas whereby the prayer for bail of the appellant in connection with Dinara P.S. Case no. 67 of 2020 registered under section 376 of the Indian Penal Code and section 3(2)(v) of the SC/ST(POA) Act was rejected.

As per allegation in the FIR, it is stated by the informant that for the last two years she had entered into a love affair with the appellant and on the false assurance by the appellant that he would marry her, physical relations had also been established between the two. It is further stated that on one occasion having been caught by the public, now the appellant was refusing to marry her.

It is submitted by learned counsel for the appellant that from the FIR itself it would be evident that there was love affair between the appellant and the informant and thus the allegations under section 376 of the IPC etc as



made in the FIR are all false and concocted and made for oblique reasons. The appellant is in custody since 14.3.2020, he has no criminal antecedent and the investigation in the case has concluded.

The appeal is opposed by learned Spl. PP appearing for the State

Having heard learned counsel for the parties and taking into consideration the nature of allegation as made in the FIR, the appellant being in custody since 14.3.2020 and the investigation in the case having concluded, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 8.6.2019 passed by the learned Additional Sessions Judge 1st, Rohtas in connection with Dinara P.S. Case no. 67 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Dinara P.S. Case no. 67 of 2020 on furnishing bail bond of Rs.10,000/ (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1, Rohtas.

(Partha Sarthy, J)

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