

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5259 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- MAHESHKHUNT District- Khagaria

DILKHUSH KAMAT Son of Arun Kamat Resident of Village - Soha Tola,
Rajwara, Ward No. 6, P.S.- Sonbarsa Raj, Distt.- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Shekhar Singh, Advocate.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-02-2020 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 vide order dated 19.08.2019 passed by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Khagaria in Maheshkhut P.S. Case No. 62 of 2019 registered under Section 366A/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Statement of the victim would reveal that she had voluntarily left her house and married with the appellant. Though the victim was minor and incompetent to consent for the marriage, however she was competent witness to say



no offence was committed against her by anyone.

Learned counsel for the informant opposed the prayer for bail.

Considering the statement of the victim, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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