

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5448 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

ANIL GIRI, Son of Jai Prakash Giri @ Prakash Giri, Resident of Village -
Shiwapur, P.S. - Chainpur, District - Kaimur at Bhabua

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Tribhuwan Narayan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-02-2020

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 18.11.2019 in SC/ST Reg. No. 124 of 2019 arising out of Bhabua Mahila P.S. Case No. 74 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabua in connection with the aforesaid case registered under Sections 376, 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s)(w), 3(2)(v) of the SC/ST Act.

The informant has disclosed her age as 18 years and the statement made in the FIR would show that she was in touch with the appellant since last one year. The appellant promised for marriage and thereafter both were in physical relation. However,



marriage could not be solemnized later on.

Submission of learned counsel for the appellant is that this is a case of consensual relationship. The victim was aware of the consequences of the act in which she indulged. Each and every refusal of marriage does not establish that the case was of consent under misconception or under fear. Reliance has been placed on judgment of the Hon'ble Supreme Court in Pramod Suryabhan Pawar Versus The State of Maharashtra & Anr. in Cr. Appeal No. 1165 of 2019/@SLP (CrI.) No. 2712 of 2019.

Finding substance in the submission aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees 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, subject to the following conditions:-

(a) 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.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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



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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	07.02.2020
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