

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3028 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- DALSINGHSARAI District- Samastipur

AMARNATH SINGH @ AMAR SINGH Son of Late Ram Yugal Singh
Resident of Village- Gospur, P.S.- Dalsinghsarai, District- Samastipur.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the appellant and the learned Special P.P. for the State.

This Court would expect that the appellants' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for bail, vide order dated 17.04.2021 passed by the learned Additional Sessions Judge-VI -cum- Special Court (Pocso), Samastipur, in Dalsinghsarai P.S. Case No. 66 of 2021 instituted for the offence under Sections 376A, 376/34, 500 of the Indian Penal Code, and Section 3(1)(r)(s), 3(2)(va) of the SC/ST and Section 4 of the Pocso Act and also for setting aside the aforesaid order dated 17.04.2021.

It is alleged that the informant's daughter was having love affairs with co-accused Chetan Kumar, petitioner's nephew. She has been medically examined and found to be carrying a pregnancy. The



informant has taken the daughter to the house of co-accused Chetan Kumar where it is alleged that the instant petitioner, being uncle of Chetan, rejected the marriage proposal and hurled caste based abuses.

It is submitted by learned Counsel for the appellant that as per FIR caste based abuses have been hurled in the confines of the petitioner's house and not in public. The said allegation is a super addition to make the offence look grave. As per prosecution case, the alleged victim and co-accused Chetan were having a consenting relation between them and the petitioner has no concern with co-accused Chetan against whom all the major allegations have been levelled. The appellant is stated to be a man of clean antecedent and he is in custody since 9.4.2021.

Learned Special PP has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellants, above named, be released on bail 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 VI -cum- Special Court (Pocso), Samastipur in connection with Dalsinghsarai P.S. Case No. 66 of 2021.

In the result, the appeal is allowed and the impugned order dated 17.04.2021 is set aside

(Madhuresh Prasad, J)

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