

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2100 of 2020

Arising Out of PS. Case No.-100 Year-2020 Thana- KAMTAUL District- Darbhanga

BANTI KUMAR SAH, son of KISHORI SAH, Resident of Village-
Mohammadpur, P.S.- Kamtaul, District- Darbhanga ... Appellant
Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr. Subhash Kumar Jha, Adv.
For the Respondent : Mr. Binay Krishna, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel for the appellant remove the defect(s), as pointed out by the office vide it's note, dated 15.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the learned counsel for the appellant and the learned
Additional Public Prosecutor, for the State

This appeal under Section 14(A)(2) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Amendment Act,
2015, is directed against the impugned order, dated 07.07.2020, passed
by the Additional Sessions Judge I-cum-Special Judge, SC/ST (POA)
Act, Darbhanga, rejecting the application of the appellant to grant him
bail in connection with Kamtaul P.S. Case No. 100 of 2020
corresponding to S.C. & S.T. G.R. No. 80 of 2020, registered under
Sections 376 of the Indian Penal Code and 3(2)(v) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that appellant, Banti Kumar
Sah, on giving the assurance to the informant, who is Scheduled Caste
to perform the marriage developed physical relation in the year 2017,



but, when the informant asked to perform the marriage, then, appellant, did not pay any heed and, again, on 02.05.2020 appellant tried to develop the physical relation with the informant, but, she refused saying to perform the marriage first, but, appellant forcibly committed rape, then, informant raised alarm on which her mother and neighbours rushed, but, appellant fled away from there.

Submission is that appellant has no criminal antecedent and is in custody since 04.05.2020 and on investigation the police has already submitted the charge sheet.

Having considered the facts and circumstances of the case, the impugned order, dated 07.07.2020, is set aside and this appeal is **allowed**. The appellant, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kamtaul P.S. Case No. 100 of 2020 corresponding to S.C. & S.T. G.R. No. 80 of 2020 to the satisfaction of the Additional Sessions Judge I-cum-Special Judge, SC&ST (POA) Act, Darbhanga.

(Rajendra Kumar Mishra, J)

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