

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.428 of 2021**

Arising Out of PS. Case No.-54 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Jitendra Bind S/o Ram Pratap Bind R/o Village- Saranpur, P.S.- Durgawati,
District- Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuvan Narayan, Advocate

For the State : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 01-03-2021 Heard learned counsel for appellant and learned Spl. PP
for the State.

Learned counsel for the appellant is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for regular bail vide order dated 17.09.2020 passed by learned Additional District and Sessions Judge-1st -cum Special Judge, Kaimur at Bhabua, in SC/ST case no. 92 of 2019 arising out of Bhabhua Mahila PS Case No 54 of 2019, registered under Section 376 of the Indian Penal Code, Sections 3(1) (r)(s) (w)/3 (2)(v) of the SC & ST Act.



The prosecution case alleges that the appellant has established physical relation with the informant from 10.05.2018 to 10.08.2018. The further allegation is that when he has refused to solemnize marriage with the informant, the prosecution has been lodged.

It is submitted by the appellant's counsel that even as per prosecution case, the physical relation was consensual and long back as the First Information report has been lodged approximately one year after the alleged occurrence i.e., on 13.07.2019. The same is based on extraneous consideration to coerce the appellant to solemnize marriage with the informant. The appellant happens to be in custody since 29.08.2020.

The learned Spl. PP has opposed the prayer for bail.

Considering the rival submissions, this appeal is allowed. The impugned order dated 17.09.2020 passed by learned Additional District and Sessions Judge-1st -cum Special Judge, Kaimur at Bhabua, in SC/ST case no. 92 of 2019 arising out of Bhabhua Mahila PS Case No 54 of 2019, is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- 1st-cum Special Judge, Kaimur at Bhabua, in SC/ST case no. 92 of 2019, arising out of Bhabhua Mahila PS Case No 54 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.



(ii) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

