

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2258 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- MAHILA P.S District- West Champaran

Amit Kumar Soni Son Of Om Prakash @ Om Prakash Sah Resident Of
Village-Shivrajpur, P.S.-Nautan, District-West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Manisha Kumari Daughter Of Late Naresh Ram Resident Of Chhawani
Chowk, Ward No. 5, P.S.-Manuapul O.P., District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Shrivastava
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-08-2023 Heard learned counsel for the appellant,

informant and learned Special P.P for the State.

The appellant has challenged the order dated
23.03.2023 passed by learned Additional District &
Sessions Judge-I-cum-Special Judge SC/ST Act, Bettiah,
West Champaran in connection with Bettiah Mahila P.S.
Case No. 35 of 2022 instituted for the offences
punishable under Sections 420, 376, 506 of the Indian
Penal Code and Sections 3(i)(r)(w), 3(2)(v) of the
SC/ST Act whereby his prayer for being released on bail
has been rejected.



It is alleged against the appellant that on promise to marry, he established physical relationship with the informant and when the informant told to marry with her, he denied to marry and abused the informant by calling caste name.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The informant is a major girl aged about 18 years and in her 164 Cr.P.C statement, she herself admitted that she and the appellant were in love with each. Hence, it might be a case of consensual physical relationship. The appellant is in custody since 27.11.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

Learned counsel appearing on behalf of the informant and learned Special P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the appellant.



Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 23.03.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-cum-Special Judge, SC/ST Act, Bettiah, West Champaran in connection with Mahila P.S. Case No. 35 of 2022.

(Sunil Kumar Panwar, J)

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