

Somnath Majee @ Somnath Manjhi vs The State Of Bihar on 13 January, 2020

Bench: N.V. Ramana, V. Ramasubramanian

ITEM NO.31

COURT NO.2

SECTION II

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition for Special Leave to Appeal (Crl.)

No.9674/20

(Arising out of impugned final judgment and order dated 05-08-2019 in CRLA(SJ) No. 2582/2019 passed by the High Court of Judicature at Patna)

SOMNATH MAJEE @ SOMNATH MANJHI

Petitioner

VERSUS

THE STATE OF BIHAR

Respondent

(FOR ADMISSION and I.R. IA No. 161487/2019 – EXEMPTION FROM FILING O.T. AND IA No. 161489/2019 – PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

Date : 13-01-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Ms. Rohini Prasad, Adv.
Mrs. Sarla Chandra, AOR

For Respondent(s)

Mr. Manish Kumar, AOR

Mr. D. K. Devesh, AOR
Mr. Piyush Upadhaya, Adv.
Mr. U.P. Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application for intervention is allowed.

This Special Leave Petition is filed against the rejection of bail to the petitioner. The petitioner is a constable in R.P.F. The complainant had registered an F.I.R. on 18□□2018 for commission of offences under Sections 376 and 506 of the Indian Penal Code and Section 3 (1)(w)(i,ii) of the

Scheduled Castes and the Scheduled Reason:

Tribes (Prevention of Atrocities) Act, 1989. The complainant alleged that the petitioner established physical relationship with her on the pretext of marriage and in spite of multiple assurances, the petitioner finally expressed his unwillingness to marry the complainant as she belonged to a scheduled caste community. In view of that, the complainant had filed an F.I.R. Initially, the petitioner preferred anticipatory bail application which was disposed of by this Court on 3rd 2019 directing the petitioner to surrender before the concerned Court and seek regular bail.

Accordingly, the petitioner surrendered before the concerned Court on 15th 2019. Later on, when he moved a bail application, the same was rejected, which was confirmed by the High Court.

After issuing notice, the State as well as the complainant appeared before us.

We have elaborately heard them today.

It was brought to our notice that during the pendency of this matter, there is a compromise and settlement has taken place between the parties. In furtherance of the same, the petitioner moved an application stating therein that he wants to marry the de facto complainant and for the said purpose, he wants to appear before the Registrar (Marriages).

Apart from that, taking into consideration the fact that the petitioner has already spent 8 months' incarceration, we think it is a fit case to grant bail to the petitioner, subject to the conditions to be imposed by the concerned Trial court.

The Special Leave Petition is disposed of in the aforestated terms.

Pending applications filed in the matter also stand disposed of.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR