

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2939 of 2017

Arising Out of P.S.Case No. -2 Year- 2017 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

=====

Santosh Yadav, son of Jarmani Yadav, resident of village Govindpur, P.S.
Dharhara, District Munger. Appellant

Versus

The State of Bihar. Respondent

=====

Appearance :

For the Appellant/s : Mr. Kamal Kishore Jha, Adv.

For the Respondent/s : Mr. S.A.Ahmad, APP.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 12-12-2017 Heard learned counsel for the parties.

This is an appeal under Sections 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for regular bail by the learned Additional Sessions Judge, 1st-cum-Special Judge, Nalanda at Biharsharif in connection with Sarmera P.S.Case No. 02 of 2017 registered under Sections 363, 366 (A) of the Indian Penal Code. Later on Section 376 IPC and Sections 4 and 8 POCSO Act has been added.

Allegation against the appellant is that he kidnapped the minor daughter of the informant with intent to marry with her. The victim girl in her statement under Section 164 Cr.P.C. stated that the appellant took her by saying that he would marry with the victim. When she forbade the appellant, forcefully took her to Lakhisarai and was in physical relation with her.



Submission is that the matter is of love affairs and under pressure to the parents, she has given her tutored statement under Section 164 Cr.P.C. The appellant is in custody since 18.03.2017.

Considering the entire facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sarmera P.S.Case No. 02 of 2017, subject to the condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

Nitesh/-

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

