

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3565 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -HARLAKHI District- MADHUBANI

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Raja Yadav, son of Ram Kumar Yadav @ Ram Kishore Das, Resident of
Village- Kammalavar Patti, P.S.- Harlakhi, District- Madhubani.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Chandra
For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-12-2017 The office has reported that pagination of the

appeal be verified and corrected at the index and in the petition at
page-1. However, a request was made by the counsel for the
appellant to get this case listed for orders as the defect was of a
minor nature. As such, the present case has been listed under the
heading “for orders”.

Since the defect is of a minor nature, the same is
ignored and the appeal is being heard.

The appellant has challenged the order dated
16.11.2017 passed by learned 1st Additional Sessions Judge-cum-
Special Judge, SC/ST (Prevention of Atrocities) Act, Madhubani



in connection with Harlakhi P.S. Case No. 92 of 2017 dated 02.06.2017 instituted for the offences under Sections 363, 366(A), 354(B), 341, 323, 504/34 of the Indian Penal Code, Section 3(1)(w) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 4 of the POCSO Act, whereby the prayer for being released on bail has been rejected.

The mother of the victim girl has alleged that while her daughter had gone to attend to the call of nature, she was abducted by the appellant. Later, the informant learnt that her daughter was being kept in illegal confinement at the house of a co-villager viz. Nawal Kishore Yadav. The victim girl was constantly being shifted from one place to the other. When the informant confronted the persons against whom she had suspicion, she was assaulted and was also abused by her caste name.

The victim girl, however, has another story to narrate. In her 164 statement she has disclosed her age to be nineteen years whereas learned Magistrate who has recorded her statement has assessed her age to be eighteen years. In the aforesaid statement, the victim has stated that she had an affair with the appellant for the last two years and she was also promised that appellant would marry her. Later, when the parents and other family members of the victim wanted to marry her off to another



person, she fought with them. Later, one Biltu Das, on the pretext of getting her married to the appellant took her on a motorcycle to some unknown destination and on way, subjected her to sexual misdemeanor. The appellant is also alleged to have been called at that place during the act. However, she has later clearly stated that she has married the appellant at a temple and thereafter she has shifted to Delhi. She came back to get her statement recorded only after she learnt about the present case.

Learned counsel for the appellant submits that the appellant has married the daughter of the informant who is the so called victim and she is willing to reside with him as his legally wedded wife. The appellant is in custody since 09.10.2017. It appears that the provisions of the SC & ST (Prevention of Atrocities) Act have only been added to give serious colour to the case.

For the facts stated above, the order dated 16.11.2017 is set aside.

The appellant is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Madhubani in connection with



G.R. No. 43 of 2017, arising out of Harlakhi P.S. Case No. 92 of 2017.

(Ashutosh Kumar, J)

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