

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1058 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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Sanjeev Kumar Sinha S/o late Krishna Prasad Sinha R/o Milanpally , P.S+ District-
Kishanganj.

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant : Mr. Syed Mohammad Shabbir Alam, Adv.
Md. Equbal Ahmad, Adv.

For the Respondent : Mr. Binay Krishna, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

Date: 09-01-2017

1. Heard learned counsel for the appellant as well as
learned Special Public Prosecutor for the State.

2. This criminal appeal filed under Section 14(A) (2) of
S.C./S.T. (Prevention of Atrocities) Amendment Act is preferred
against the impugned order dated 20.09.2016 passed by learned
Additional Sessions Judge-I, Kishanganj by which and whereunder he
refused to enlarge the appellant on bail who was made accused in
Special Case No. 05 of 2016 arising out of Kishanganj Mahila P.S.
Case No. 27 of 2016.

3. The first information report goes to show that
appellant along with parents of victim went to get the victim
medically examined as per direction of the Panchayat and except the



aforesaid material, there appears to be nothing against the appellant. The appellant has been made accused for the offences punishable under Sections 3(1)(w) (i)(ii) of S.C./S.T. (Prevention of Atrocities) Act, Sections 376, 120(B) of the Indian Penal Code as well as Sections 8/12 of POCSO Act but the offences of above stated Acts do not appear to be applicable in respect of the appellant. The learned Special Judge failed to take note of the aforesaid fact.

4. In view of the aforesaid discussions as well as submissions of the parties, this criminal appeal is allowed and impugned order dated 20.09.2016 passed by learned Additional Sessions Judge-I, Kishanganj is set aside in respect of appellant only.

5. Accordingly, the above named appellant 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 Additional Sessions Judge-I, Kishanganj in connection with Special Case No. 05 of 2016 arising out of Kishanganj Mahila P.S. Case No. 27 of 2016.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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