

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3328 of 2017

Arising Out of PS.Case No. -149 Year- 2016 Thana -KHIJARSARAI District- GAYA

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1. Sanni Kumar @ Sunny Kumar son of Shivjee Maharaj @ Binod Kumar
resident of village - Kutlupur, Police Station - Khizarsarai, District - Gaya.
.... Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Pratap Singh, Adv

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 04-04-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by the learned A.D.J.-1st -cum-Special Judge (POCSO Act), Gaya, in connection with POCSO Case No.58 of 2017, Khizarsarai P.S.Case No.149 of 2016 registered under Sections 366(A) 376 of the Indian Penal Code and Section 3(1)(xi)(xii), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation is that the appellant had abducted to the daughter of the informant and committed rape against her. The victim girl is present in Court alongwith certain photographs and submits that she had voluntarily gone with the appellant, as she had love affairs with the appellant. She further informed in open Court that her statement recorded



under Section 164 Cr.P.C. was a tutored statement.

Informant is appearing.

Learned counsel for the informant submits that in fact the matter is of love affairs.

Considering the statement of the victim as well as the photographs showing intimacy with the appellant, 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 the learned Court-below where the case is pending in connection with the aforesaid case, with condition that the appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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