

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1540 of 2018

Arising Out of PS.Case No. -455 Year- 2017 Thana -GAYA KOTWALI District- GAYA

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Sanoj Kumar, Son of Saryug Prasad @ Saryug Yadav, R/o Mohalla-Military Camp
Paharpur, P.S.- Magadh Medical, District-Gaya. Appellant/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramashish, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-07-2018

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 order dated 24.01.2018 in POCSO Case No.96 of 2017 passed by the learned A.D.J. 1st, Gaya, in connection with Kotwali Police Station Case No.455 of 2017 registered under Sections 363A of the Indian Penal Code and later on Section 376 of the Indian Penal Code, 4 of POCSO Act and Section 3(1)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added.

Though the victim in her statement under Section 164 Cr.P.C. stated that the appellant had induced her to go with him to Dhanbad and thereafter Kolkata and was in physical relation with her but her non-resistance would make it clear that the matter is of love affairs between the two.



Hence, 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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