

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3454 of 2018

Arising Out of PS.Case No. -18 Year- 2018 Thana -MAHILA P.S. District- KISANGANJ

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1. Sanjeev Kumar Das, S/o Robin Chandra Das, R/o Rahmat Pur, P.S. -
Tedhagachh, District - Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Sinha, Advocate

For the Respondent/s : Mr. Jitendra Kumar Singh, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-10-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 26.06.2018 in Special Case No. 17 of 2018 arising out of Kishanganj Mahila P.S. Case No. 18 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO) Act, Kishanganj in connection with the aforesaid case registered under Sections 376, 467, 406, 420 of the Indian Penal Code, Section 4/6 of the Protection of Children from Sexual Offenses Act, 2012 as well as Section 3(2)(va) of the SC/ST Act.

The FIR would reveal a case of physical relation



between the informant and the appellant on the pretext of marriage.
Appellant is in custody since 27.04.2017.

Submission is that offence under Section 376 of the Indian Penal Code is not made out in the facts and circumstances of the case.

Considering the entire facts, let the appellant, above named, be released, **after framing of the charge or after completion of two months of custody from the date of receipt/production of a copy of this order before the learned court below**, on bail on furnishing bail bond of Rs.20,000/- (Rupees 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 the aforesaid case, subject to the condition that 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	09.10.2018



Transmission Date	09.10.2018
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