

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2543 of 2018

Arising Out of PS. Case No.-181 Year-2018 Thana- NAUBATPUR District- Patna

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Kashi Kumar @ Ranjit Kumar S/o Subash Rathour, R/o Panhara, P.S.-
Naubatpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Praveen Kumar
For the Respondent/s : Smt. Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 30-11-2018 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 anticipatory bail vide order dated 21.06.2018 by the learned Special Judge (S.C./S.T. Act) cum Addl. Sessions Judge V, Patna, in A.B.P. No. 4305 of 2018, arising out of Special (POCSO) Case No. 71 of 2018 (arising out of Naubatpur P.S. Case No. 181 of 2018), registered under Sections 363,376,511,307 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act and under Sections 3 (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016.

According to the FIR, the appellant and others took



away four years daughter of the informant towards river side allegedly for illicit purpose. The informant is mother of the victim. She further discloses that when the victim was found near the river side she had injuries on the head.

In her statement under Section 164 Cr.P.C. the informant has stated that in fact her son aged about five years had informed her that Kariman @ Manoj had taken the victim. The order of the court below would reveal that both the son of the informant aged five years and the victim aged about four years are not capable of giving statement under Section 164 Cr.P.C. Hence, their statement was not recorded.

The two statements of the informant would show that there is serious conflict and there is serious doubt that informant is witness of the occurrence. The son of the informant had not named about this petitioner.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each 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, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure as well as 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.

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

(Birendra Kumar, J)

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