

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13936 of 2019

Arising Out of PS. Case No.-128 Year-2018 Thana- NAUHATTA District- Rohtas

SHIV KUMAR, aged about 25 years, (Male), Son of Umesh Mahto @
Umesh Singh, R/o village- Ramgarh, P.S- Dehri, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv.
For the Opposite Party/s : Mr.Sadanand Paswan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 06-03-2019 Let the defect no.7(1) as pointed out by the office be
ignored for the present.

It has been submitted on behalf of counsel for the petitioner that in the FIR nothing has been stated by informant in order to bring this case under the provisions of SC/ST Act. It has been further stated that police has also submitted charge-sheet under the different provisions of Indian Penal Code, but not under the SC/ST Act, as such, this case may be treated as general case and not under the SC/ST Act. The order as impugned has also not been passed by Special Court under SC/ST Act.

Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection Nauhatta P.S. Case No. 128 of 2018, registered for the offences



punishable under Sections 366A/34 of the Indian Penal Code and Section 3(i)(r) of SC/ST Act.

Informant is the father of victim who has stated in his written complaint that his minor daughter was enticed away by the FIR named accused including petitioner on 14.10.2018. The FIR was instituted after 20 days of occurrence. The girl has been recovered and in her statement made under Section 164 of Cr.p.C. She has stated that she had gone with the petitioner out of her own will and volition. The age of girl has been assessed by the Court as 19 years. The Medical Board has assessed her age between 17-18 years.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Rohtas at Sasaram, in connection with Registered Case No. 327 of 2018, arising out of Nauhatta P.S. Case No. 128 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by



Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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