

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1180 of 2019

Arising Out of PS. Case No.-412 Year-2017 Thana- LAKHISARAI District- Lakhisarai

MIRITUNJAY KUMAR @ MRITUNJAY KUMAR S/o Heera Mahto R/o
village- Manoharpur, P.S.- Birupur, District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 25-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 anticipatory bail vide order dated 18.02.2019 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 412 of 2017 registered under Sections 366 (A)120 (B) of the Indian Penal Code and Section 8 of the POCSO Act and also under Section 3 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



One Munna Prasad is said to have kidnapped the minor daughter of the informant.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. Allegation of kidnapping is not against the appellant rather against the Munna Prasad. Appellant is not named in the F.I.R. Victim in her statement recorded under Section 164 Cr.P.C. has also not supported the offence of kidnapping rather stated that she has suo motu left with the appellant and appellant had not kidnapped her. He has no criminal antecedent, so he may be enlarged on bail.

Learned Spl. P.P. for the State opposing the prayer for bail submitted that victim happens to be minor girl and in her statement recorded under Section 164 Cr.P.C. she has disclosed her age is 15 years. She has clearly stated that appellant took her to his house and established sexual cohabitation with her in night, hence, appellant does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected.

However, the appellant is directed to surrender before the learned Court below within six weeks from today and seeks



regular bail and the learned Court below is directed to pass an appropriate order in accordance with law without being prejudiced by this order.

Accordingly, the present appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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