

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1842 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- CHANDRADIP District- Jamui

=====

VIKASH KUMAR DAS Son of Ram Swaroop Ravi Das Resident of Village-
Kodwaria, P.S.-Chandradeep, District-Jamui.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh

For the Respondent/s : Mr. Sadanand Paswan

=====

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

ORAL ORDER

4 08-07-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

Appellant seeks bail in a case registered under
Sections 376(D) of the Indian Penal Code, Section 3/4 of the
POCSO Act and Sections 3(i)(ii) of the SC/ST Act.

Informant had gone with the appellant who
happens to be her beau to dam to relish sexual relationship and
after relishing the same while she was regressing, she was
caught hold by four accused persons who committed rape
against her and then three other miscreants also arrived there &



committed rape against her.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. As per the age disclosed by the victim in her written report, she was aged about 17 years 11 months and 24 days, hence benefit of plus 2 years in the age of the victim must be given to the appellant and accordingly she happens to be major and moreover on medical examination she was also found to be of 18 years i.e. major. The informant has established sexual relationship with the appellant with her consent and appellant also happens to be member of SC community, hence no offence of any sort is made out against the appellant. Appellant has no criminal antecedent and has been languishing in custody since 03.01.2019.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Jamui in connection with Chandradeep P.S. Case No. 03 of 2019.



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

(Prakash Chandra Jaiswal, J)

mantreshwar/-

U		T	
---	--	---	--

