

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2252 of 2019**

Arising Out of PS. Case No.-12 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Manish Kumar Singh Son of Sri Ajay Kumar Singh Resident of Village -
Piyan, P.S.- Sonhan, Distt - Kaimur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 23-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 24.04.2019 passed by learned 1st Addl. Sessions Judge, Kaimur at Bhabua in Mahila (Bhabua) P.S. Case No. 12 of 2019 registered under Sections 366A, 376, 504, 506 of the Indian Penal Code, Section 4 and 8 of POCSO Act and Section 3(x)(xi)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Minor daughter of the informant is said to have been kidnapped and ravished by the appellant.



It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case. As a matter of fact, the victim is major. In her statement recorded under Section 164 Cr.P.C. before the Magistrate, she has also disclosed her age as 19 years. In her statement recorded under Sections 161 and 164 Cr.P.C. she has candidly stated that she was in love with the appellant and had *suo motu* approached the appellant to elope with him, then the appellant took her to Surat where the appellant established sexual relationship with her. She wants to marry with the appellant. Aforesaid statement of the victim candidly rules out her kidnapping by the appellant and also indicates about consensual sexual relationship between them. The certificate given by the Principal of Utkramit Uchh, Vidyalay, Piya, Anchal Bhabhua, Kaimur though indicates the victim minor, but the said certificate itself indicates that the victim was admitted in the said school in class 9th. Neither any matriculation certificate nor any register of the school first join by the victim has been filed by the prosecution to establish that the victim was minor at the time of occurrence, hence, the appellant may be enlarged on bail.

Per contra, learned Spl. P.P. for the State and



learned counsel for the informant opposing the bail prayer of the appellant submitted that as per the aforesaid certificate, the victim was minor as her date of birth is 17.01.2003 and consent given by the victim is not material, hence, the appellant does not deserve bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Kaimur at Bhabua in connection with Mahila (Bhabua) P.S. Case No. 12 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

rohit/-

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

