

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2766 of 2019**

Arising Out of PS. Case No.-1 Year-2019 Thana- TIKAPATTI District- Purnia

Sintu Singh @ Sintu Kumar Singh, son of Raja Singh, resident of village Godiyar, Nago Singh Tola, P.S. Tikapatti, District Purnea.

... .. Appellant.

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai

For the Respondent/s : Mrs. Usha Kumari I

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

ORAL ORDER

2 11-07-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 27.05.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge POCSO Act, Purnea in connection with Tikapatti P.S. Case No.01 of 2019 registered under Section 363/366-A and 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with two other accused persons



are said to have kidnapped the informant, who happens to be minor, on the Bolero in the name of performing marriage with her and performed marriage with her in a temple and, subsequently, left her near the Goriyar Purab bridge.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. There is a contradiction between the statement of the informant as adumbrated in the written report and as given under Section 164 Cr.P.C. regarding her kidnapping. There is no allegation of sexual assault made by the appellant against the informant. Appellant has no criminal antecedent.

Learned Special P.P. for the State opposed the prayer for bail submitting that the appellant along with others kidnapped the minor girl (informant) and performed marriage with her in the temple but, subsequently, left her on the bridge. Informant in her statement made under Section 164 Cr.P.C. has also stated that the appellant has forcibly kidnapped her and later on he forcibly performed marriage with her and drove out of her house and dropped at the bridge. Hence, he 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 seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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

