

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3458 of 2019

Arising Out of PS. Case No.-218 Year-2019 Thana- SHEKHPURA District- Sheikhpura

Gulshan Kumar @ Golden S/o Mishir Yadav Resident of Khalaspur, P.S.-
Sheikhpura, District- Sheikhpura

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-11-2019 Heard learned counsel for the appellant, learned
counsel for the informant and learned A.P.P. for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the order dated 06.07.2019 passed by the learned 1st Additional District and Sessions Judge, Sheikhpura in A.B.P. No. 316 of 2019 in POCSO Case No. 18 of 2019 (arising out of Sheikhpura P.S. Case No. 218 of 2019) registered under Sections 363, 366(A), 504, 506/34 of the Indian Penal Code and Section 8 of POCSO Act and Section 3(i)(r)3(2)va of the SC/ST Act whereby the application for anticipatory bail filed by the appellant was rejected.

As per the allegation in the F.I.R. the appellant is said to have kidnapped the 12 years old minor daughter of the informant who belongs to scheduled caste.



It is submitted by learned counsel for the appellant that the allegation which has been made in the F.I.R. are not correct. In fact there was love affair between the appellant and the informant's daughter and she had gone willingly.

It is submitted by the learned counsel for the informant that not only there is direct allegation against this appellant but this very application for anticipatory bail is not maintainable in view of the bar under the SC/ST Act. It is further submitted that even on merits the minor daughter of the informant has supported the case of kidnapping by this appellant in her statement under section 164 Cr.P.C. which has been brought on record as Annexure-2 to the application.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, I find this application for anticipatory bail under Section 14(A)(2) of the SC/ST Act as not maintainable.

Accordingly, this appeal is dismissed.

(Partha Sarthy, J)

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