

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4459 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- LADANIA District- Madhubani

Robin Kumar Sharma @ Ravin Kumar Sharma S/o Shiv Kumar Sharma
Resident of Village- Khajedih, P.S. Ladaniya, Distt.- Madhubani.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Labh, Adv.
	:	Mr. Jitendra Kumar Bharti, Adv.
	:	Mr. Lal Bahadur Prasad, Adv.
	:	Mrs. Kumari Archana @ Archana Sinha, Adv.
For the Respondent/s	:	Smt Usha Kumari No-1, APP.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 25-02-2019 Heard learned counsel for the Parties.

This is an appeal under Section 14(A)(2) of SC & ST (Prevention of Atrocities) Amendment Act, against the refusal of prayer for bail by order dated 19.09.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge POCSO Act, Madhubani, in connection with Ladaniya P.S. Case No. 154 of 2018 corresponding to G.R. No. 64 of 2018, CIS No. 64 of 2018 registered under Sections 363, 366(A) of the Indian Penal Code and Section 12 POCSO Act and 3(2)(v) of SC/ST Act.

Informant is the mother of victim, who in her written complaint has stated that her daughter had gone to the hand pump to fetch water on 05.07.2018 at 11:00 PM in the night,



then petitioner forcibly took her to solemnize marriage with her but after 5-6 days he again dropped her at the residence when the victim refused to marry him. Since her husband is not in the house, there has been delay in instituting the FIR. Incident is of 05.07.2018 whereas FIR has been instituted on 16.07.2018. The victim was subjected to medical examination and it was opined that there is no medical evidence of rape found. No injury either external or internal on private part of victim was found. The age of victim has been assessed as 16 years. Appellant has no criminal antecedent and he is in custody since 17.07.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/-(twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel



his bail bond.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(S. Kumar, J)

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