

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75817 of 2019

Arising Out of PS. Case No.-301 Year-2019 Thana- BIKRAMGANJ District- Rohtas

SANJAY KUMAR SINGH S/o Uma Shankar Singh Resident of Takia Bazar
Samiti, Ward No. 3, P.S.- Sasaram, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bikramganj Police Station Case No. 301 of 2019, disclosing offences under Section 370 of the Indian Penal Code, Section 79 of the Juvenile Justice Act and Section 14 of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (in short, 'the Act').

The allegation against the petitioner, as per the First Information Report, is that the petitioner is the proprietor of Kanha Sweet, situated at Ara Road, Bikramganj, and he had employed a child, Dhanu Kumar, as as labour in his sweet shop. It has further been alleged that the said child labour was working in his sweet shop for the last four days at the monthly wages of Rs. 3,000/-.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case with oblique motive inasmuch as the age of the child labour has not been mentioned in the First Information Report. He further submits that the offence under Section 14 of the Act is not made out inasmuch as, as per the provisions of Section 16 of the Act, the police officer or any other authority is required to file a complaint of the commission of an offence under this Act in the court of competent jurisdiction and, admittedly, no complaint has been filed before the court of competent jurisdiction by the police and instead the First Information Report has been instituted. He further submits that in course of investigation, the statement of the child labour has not been recorded by the police. He further submits that no offence, under Section 370 of the Indian Penal Code, is made out against the petitioner on the bare reading of the First Information Report.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the age of the child labour has not been disclosed in the First Information Report and no complaint has been filed against the petitioner before a court of competent jurisdiction, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, Sanjay Kumar Singh, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas, in connection with Bikramganj Police Station Case No. 301 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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