

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5245 of 2019**

Arising Out of PS. Case No.-158 Year-2019 Thana- BUNIYAD GANJ District- Gaya

VICKY KUMAR Son of Late Vinod Halwai R/O - Manpur Shiv Charan
Lane, P.S.- Buniyadganj, District- Gaya

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Renu Devi Wife of Jeetendra Prasad Tanti R/O Moh - Manpur, Shivcharan
Lane, Near Police Adda, P.S.- Buniyadganj, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.S. Jamil Akhtar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

2 03-12-2019 Heard learned counsel for the Appellants and learned
counsel for the State.

This is an appeal under Section 14(A) (2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 30.09.2019 passed by Additional Sessions Judge 1st, Gaya in connection with Buniyadganj P.S. Case No. 158 of 2019 for the offence registered under Section 12 of the POCSO Act and Sections 354, 504 and 506/34 of the Indian Penal Code and Section 3(i) (r) (s) w (I) (ii) (rv) of the SC/ST Act.

Learned counsel for the Appellant submits that the entire allegation is exaggerated and actually the boy as well as the girl were in love with each other and only when the same was



discovered by the family members, the present story has been carved out making false and frivolous allegation. It is further submitted that the appellant is a young boy and if at all any occurrence took place, it may be on account of his irresponsible conduct and he undertakes that he will not trouble the girl any further and conduct himself according to normal social standards. It is further submitted that the threats which are said to have been issued and usage of caste name is not at a public place and admittedly, the house of the informant, and, therefore, the provision of the SC/ST would not be attracted.

Considering the entire gamut of circumstances and the nature of allegation, let the appellant, above named, in the event of his arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge SC/ST Act, Gaya in connection with Buniyadganj P.S. Case No. 158 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, subject to the following conditions :-

1. One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.



2. The appellant shall not indulge himself in any similar offence till conclusion of the trial.

3. The appellant shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The appellant shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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

(Anjana Mishra, J)

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