

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.361 of 2020**

Arising Out of PS. Case No.-166 Year-2017 Thana- SHIVSAGAR District- Rohtas

RAJA SINGH @ MUSTI Son of Sudama Yadav Resident of Village - Dihra,
P.S.- Sheosagar, Dist.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sada Nand Roy
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 27-05-2020 Heard learned counsel for the parties.

2. This appeal has been preferred under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (hereinafter referred to as 'the Act') against an order dated 25.11.2019 passed by the learned First Additional District and Sessions Judge, Sasaram, Rohtas in Sheosagar P.S. Case No. 166 of 2017, registered for the offence punishable under Sections 366, 120B of the Indian Penal Code and Section 3(i) (r) of the Act.

3. The appellant is in custody since 25.11.2019 when he had surrendered before the Court below. It appears that allegedly the informant's daughter, a minor was found missing from 15.06.2017 in respect of which the FIR came to be



registered on 25.06.2017. According to the informant, on enquiry from other person, he learnt that it was petitioner/appellant, who had kidnapped the victim for marrying her.

4. It further transpires from the allegation on record that the victim subsequently turned up before the police and supported the case of the prosecution stating that she was induced by the sister of the appellant to marry the appellant and the victim had become unconscious after she was made to consume some drink. Allegedly, they were pressurizing the victim to marry the appellant and they kidnapped her..

5. Mr.Vikram Deo Singh, learned counsel appearing on behalf of the appellant has submitted that the victim was examined subsequently by the medical expert, who has found the victim's age to be 18 years. He has submitted that possibly because the victim being in love might have eloped with the appellant and subsequently a false case has been made out. He has further submitted that in any view of the matter, since the appellant had himself surrendered before the Court below, there is no chance of his absconcion from the course of trial. The investigation, he submits, is over. He accordingly, contends that no purpose would be served by keeping the appellant in jail any



more. He also submits that these aspects have not been taken into account by the Court below while rejecting the appellant's application for grant of bail.

6. On considering the fact that the FIR was registered nearly ten days after the alleged date of disappearance of the alleged victim and considering the submission that there is no allegation of any sexual assault against the appellant, this appeal is allowed. The impugned order dated 25.11.2019 passed by the learned First Additional District and Sessions Judge, Sasaram, Rohtas in Sheosagar P.S. Case No. 166 of 2017 is set aside.

Let the above-named appellant 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 the learned First Additional District and Sessions Judge, Sasaram, Rohtas in Sheosagar P.S. case No. 166 of 2017.

(Chakradhari Sharan Singh, J)

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