

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4962 of 2019**

Arising Out of PS. Case No.-27 Year-2017 Thana- PURNAHYA District- Sheohar

JANAK DAS Son of Sikindar Das Resident of Village - Kashopur, P.S.-  
Purnahiya, District- Sheohar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Birendra Kumar Singh, Advocate.  
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      04-02-2020                      Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 26.09.2019 passed by the learned 1<sup>st</sup> A.D.J. cum Special Judge, POCSO/SC/ST Act, Sheohar in Purnahia P.S. Case No. 27 of 2017 registered under Sections 366A, 376(2), 323/34 of the Indian Penal Code, Section 4 of the POCSO and Sections 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to F.I.R., co-villager of the informant reported to him that minor daughter of the informant was kidnapped by co-accused Roshan Kumar and the appellant



Janak Das. Victim girl on recovery did not name the appellant as her kidnapper in her statement recorded under Section 164 Cr.P.C. (a copy of the statement of the victim is at Annexure-2). Co-accused Roshan faced trial which resulted into conviction (a copy of the judgment is at Annexure-3). During trial also, victim was examined as PW-4, but she did not name the appellant rather made allegation against others.

Since there is no direct evidence against the appellant to have committed any offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act or any other law, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the



investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

**(Birendra Kumar, J)**

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