

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2013 of 2021**

Arising Out of PS. Case No.-160 Year-2020 Thana- JAMOBABAZAR District- Siwan

RAHUL KUMAR Son of Wakil Yadav Resident of Village- Bishunpura, P.S.-
Jamo Bazar, District- Siwan.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Raghav Prasad, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

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

3 14-09-2021 Since the police has not submitted charge sheet under POCSO Act as date of birth of the victim in the school certificate was found recorded as 04.07.2002, hence, preliminary objection of the office that criminal miscellaneous would be maintainable and not an appeal under SC/ST (Prevention of Atrocities) Act, be ignored.

Let the other defects be removed within four weeks of start of the physical Court.

Heard the parties in virtual Court proceeding.

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 bail by order dated 19.01.2021 passed by the learned Special Judge, POCSO, Siwan in connection with Jamo Bazar P.S. Case No.



160 of 2020 registered under Sections 443, 340, 323, 354(a) (c) (d), 504, 506/34 of the I.P.C., Section 8 of POCSO Act and Section 3(1)(r), 3(2)(v-a) of the SC/ST Act.

Appellant is in custody since 17.10.2020. Appellant has got no criminal antecedent. Allegation is that the appellant had taken out photographs of the daughter of the informant while she was bathing and was blackmailing her on that basis and on one occasion put the photographs on social media i.e. Facebook. Though the FIR says that the informant would produce the video-audio clip to the police but the case diary does not reveal that any video-audio clip was taken and placed with the record.

Considering the facts aforesaid as well as completion of investigation, let the appellant, above named, 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, with 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 trial of the case, failing which the court below shall be at liberty to



cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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