

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1938 of 2020**

Arising Out of PS. Case No.-118 Year-2020 Thana- SUPPI District- Sitamarhi

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AMAN KUMAR @ NANDAN KUMAR S/o Rambabu Mahto R/o village-
Barharwa, P.S.- Suppi, District- Sitamarhi

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari, No. 1, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-03-2021 Learned counsel for the appellant undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned

Spl. P.P. for the State.

The appellant in the present case is seeking to set

aside the order dated 26.08.2020 passed by learned A.D.J.-I-

cum-Spl. Judge (SC/ST Act), Sitamarhi in connection with

Suppi P.S. Case No. 118 of 2020 registered for the offences

punishable under Sections 341, 323, 376, 504, 420/34 of the

Indian Penal Code, Section 4/6 of the POCSO Act and Sections

3(i)(r)(s)(w)(i)(ii)/3(2)(v) of the SC/ST Act.

Learned counsel for the appellant submits that after

investigation, having found that the informant is adult aged



about 19 years, the charge-sheet has not been filed under the POCSO Act. It is further submitted that from the First Information Report and the statement made under Section 164 Cr.P.C. itself it would appear that the informant admits a love affair with the present appellant and it is further admitted that the present appellant had married her and taken her to his house. It is submitted that a bare perusal of her statement under Section 164 Cr.P.C., it would appear that they had been in relationship for a long time and she has not alleged any forcible physical relationship. The appellant is said to be in custody since 18.06.2020.

Ms. Usha Kumari, No. 1, Spl. P.P. for the State is present and she admits after going through the case diary that the informant is major and the fact that she was in relationship with the present appellant has come in the case diary and it is true that so far as this appellant is concerned, in her statement under Section 164 Cr.P.C., the informant has not made any allegation against the appellant.

In the given facts and circumstances of the case, considering that the informant is herself major aged about 19 years, she admits her relationship with the appellant and continuous physical contact and then she has in fact made



allegation that the family members of the appellant had not allowed her to stay in the house and they had pushed her out from the residential house where the appellant wanted to keep her, let the impugned order be set aside and the appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned learned A.D.J.-1st-cum-Spl. Judge (SC/ST Act), Sitamarhi in connection with Suppi P.S. Case No. 118 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents of the appellant and in case at any stage



it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

