

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.905 of 2021**

Arising Out of PS. Case No.-206 Year-2020 Thana- MAHESI District- East Champaran

RAJA KUMAR, S/O Motilal Sah, R/o Vill.- Katha Balua Bajar, P.S. Mehasi,
Dist. E. Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2
For the Respondent/s : Mr.U/S 14

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 24-02-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State.

The appeal has been filed by the appellant against the order dated 21.10.2020 by the learned 7th A.D.J. cum Special Judge (S.C./S.T./POCSO Act), East Champaran, Motihari whereby the prayer for bail of the appellant, in connection Mehasi P.S. Case No. 206/2020 registered under Sections 363, 366(A)/34 of the Indian Penal Code, under Sections 3 (i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and u/s 8 of the POCSO Act was rejected.

Prosecution case is that the informant has alleged therein that her daughter had gone for natural call on 12.07.2020 but not returned then she has made enquiry. It is further stated that the villagers have said Raja Kumar and Vijay Kumar have



kidnapped her daughter. It is further stated that when she has gone their house then all accused persons have abused her and said after marriage returned her daughter. It is further stated that with the help of villagers search has made but not succeeded.

Learned counsel for the appellant submits that the appellant is innocent and has been committed no offence in this case. The medical report has assessed her age 16 to 17 years but learned Magistrate has assessed her age as 18 years. The victim has disclosed her age 20 years which also supported by her Adhar Card. The statement of victim recorded under Section 164 Cr.P.C. before the learned Magistrate in which she has accepted the marriage with the appellant and she is residing in the house of the appellant. The appellant is in custody since 31.08.2020 and has got no criminal antecedent.

Learned Special P.P. for the State opposed the prayer for bail.

Considering the aforesaid facts, let the appellant, above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 7th A.D.J. cum Special Judge SC/ST/POCSO Act, East Champaran, Motihari in connection with Mehasi P.S. Case No. 206/2020.



Accordingly, the order dated 21.10.2020 is set
aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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