

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4803 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- DUMRA District- Sitamarhi

MANOJ KUMAR Son of Late Ganeshi Ray Resident of Village-
Gopinathpur, P.S.- Dumra, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Pushpendra Kumar Singh, Advocate Mrs. Divya Bharti, Advocate
For the Informant	:	Mr. Birendra Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-04-2022 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 28.10.2021 passed by learned 6th Additional Sessions
Judge cum Special Judge (SC/ST Act), Sitamarhi in connection
with Dumra P.S. Case No.259 of 2020 registered under Sections
366-A, 363, 341, 323, 354-A & 504/34 of the Indian Penal Code
and Section 3(1) (r) (s) (w) (I)/3 (2) (va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The daughter of the informant, who is minor, is said to have been abducted by the appellant with an intention to rape.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. As a matter of fact, the statement of the victim was recorded under Section 164 Cr.P.C. and in her statement the victim has stated that she has performed marriage with the appellant after leaving her house and expressed her desire to go with the elder brother of her husband. It is further submitted that victim is aged about 18 years, as assessed by the learned Magistrate on the basis of her body appearance. Appellant has no criminal antecedent and has been languishing in custody since 06.10.2021.

Learned counsel for the informant concedes to the aforesaid fact and submits that he does not want to oppose the prayer for bail.

In the facts and circumstances of the case, the above named appellant 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 the learned 6th Addl. Sessions Judge cum Special



Judge (SC/ST Act), Sitamarhi in connection with Dumra P.S.

Case No.259 of 2020.

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

(Anjani Kumar Sharan, J)

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