

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2677 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- MAHISHI District- Saharsa

NATWAR BIND @ NATWAR KUMAR @ NATBAR KR. BIND Son of
Shyam Sundar Bind R/o village - Mahishi, Ward No.- 12, P.S.- Mahishi,
District - Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Suraj Paswan R/o village - Mahishi, P.S.- Mahishi,
District - Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhav Jha
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Although this appeal has been listed under the heading 'For Orders (On Office Notes)' but as the learned counsel for the respondent no.2, who has filed the vakalatanama and is present before the Court, with his consent, this appeal has been heard for final disposal at this stage itself.

2. Heard learned counsel for the appellant and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

3. 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 of anticipatory bail vide order dated



17.05.2023 passed by learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Saharsa in connection with Mahishi P.S. Case No. 47/2023 registered under Sections 363, 365 & 366A/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 8 and 12 of the POCSO Act.

4. The appellant in association of his family members is said to have kidnapped the daughter of the informant for solemnizing marriage.

5. 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. It is further submitted that from perusal of the registration certificate and the admit card issued by the Bihar School Examination Board, it appears that the victim girl is more than 19 years on the alleged date of occurrence, hence no offence is made out under the provisions of POCSO Act. As a matter of fact, the victim girl has eloped with the appellant out of her sweet will and solemnized marriage with him. She has clearly stated in her statement recorded under Section 164 Cr.P.C. that she has left his home with the appellant out of her sweet will, solemnized marriage and living with him. Moreover, the victim girl has sworn the



affidavit of this memo of appeal being the spouse of the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

7. In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Addl. Sessions Judge-VI-cum Special Judge (POCSO), Saharsa in connection with Mahishi P.S. Case No.47/2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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