

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2693 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- RAJEPUR District- East Champaran

ARBIND KUMAR Son of Bhola Prasad Resident of Village - Ranipatti, P.O.
and P.S.- Rajepur, District - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Paswan Son of Late Bhujawan Paswan Resident of village-
Rajepur, P.S-Rajepur, District-East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pravin Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-10-2023 Though notice has been issued to O.P. No. 2 on
3.8.2023, no one has turned to assist the Court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 27.04.2023 passed by learned 7th
Additional District and Sessions Judge-cum-Special Judge
POCSO Act, East Champaran, Motihari whereby the prayer for
bail of the appellant in connection with Rajepur P.S. Case No.
195 of 2022 under Sections 363, 363(A)/34 of the Indian Penal
Code and sections 6, 8 and 12 of the POCSO Act and Section
3(i)(r)(s)(w)(va) of SC/ST Act was rejected.



Allegations against the appellant and two other accused persons is of abduction of the daughter of the informant from the way to school.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. Victim girl was in love with the appellant and in her deposition, she had asserted that out of her own sweet, she had left her house and solemnized marriage with the appellant in a temple of Punjab. She has disclosed about her pregnancy. No offence is made out under the provisions of the SC/ST Act against the appellant. It is further submitted by counsel for the appellant that out of the said wedlock, a male child has born. He has got no criminal antecedent and languishing in judicial custody since 25.2.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.04.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Rajepur PS Case No. 195 of 2022 on furnishing



bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District and Sessions Judge-cum-Special Judge POCSO Act, East Champaran.

(Sunil Kumar Panwar, J)

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