

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2752 of 2022

Arising Out of PS. Case No.-229 Year-2021 Thana- TRIVENIGANJ District- Supaul

Saroj Kumar Hajari S/o Bahadur Hajari R/o Village- Babhanganwa, P.S.-
Triveniganj, Dist.-Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Devi W/o Chandan Ram R/o Village- Babhanganwa, P.S.- Triveniganj,
Dist.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nafisuzzoha
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent no. 2:	:	Mr. Manoj Kumar Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 04-01-2023 Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 17.05.2022,

passed by the Addl. District and Sessions Judge – VI-cum-

Special Judge, POCSO, Supaul in connection with Triveniganj

P.S. Case No. 229 of 2021, instituted for the offence

punishable under Section 366(A), 376(3) of the Indian Penal

Code, 4/6 of the POCSO Act and 3(1)(w)/3(2)(va) of the

SC/ST Act, whereby bail has been denied to the appellant.

The prosecution case as emerging from the FIR is



that on 18.07.2021, informant's daughter, aged about 16 years was missing since mid-night. Further, in the next morning, she was found with one Saroj Kumar. Later, her parents took her back to home where she told that she had been taken away by Saroj Kumar and some other persons and she was also raped and threatened her to bear dire consequences.

The Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant, as per the medico-legal report the victim is aged between 18 to 20 years. Though, her age as per the documentary proof is 16 years. He further submits that there is love affairs between the appellant and the alleged victim. He also submits that the appellant also intends to marry the alleged victim. He also refers to the statement of the victim as recorded under Section 164 of the Cr. P.C. as per which she admits that she likes him and she wants to marry the accused and even she has not spoken any word against the appellant in her statement under Section 164 of the Cr. P.C.



The appellant has been languishing in jail since 14.10.2021.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court for grant of anticipatory bail or regular one.

It has further been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, the appeal is allowed, setting aside the impugned order dated 17.05.2022, passed by the Ld. Addl. District and Sessions Judge – VI-cum-Special Judge, POCSO, Supaul, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge- VI cum- Special Judge, POCSO, Supaul in connection with Triveniganj P.S. Case No. 229 of 2021 on the following



conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant 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.

(iv) In case, it is brought to the notice of the court below that the appellant has any criminal antecedents, the learned court below shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the Ld. court below shall cancel the bail bonds of the appellant.

The Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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