

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3568 of 2023**

Arising Out of PS. Case No.-176 Year-2021 Thana- BARAULI District- Gopalganj

Golu Kumar Thakur Son Of Biju Thakur Resident Of Kahala, Ramai Ray Ke
Tola, P.S.- Barauli, District - Gopalganj, Bihar

... .. Appellant/s

Versus

1. The State Of Bihar, Patna
2. Anand Kumar Manjhi Son Of Harischandar Manjhi Resident Of Village -
Sesai, P.S.- Barauli, District - Gopalganj, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 14-09-2023 Heard learned counsel for the appellant and learned
Special P.P for the State.

The appellant has challenged the order dated 11.07.2023 passed by learned VI-Additional Sessions Judge-cum-Special Judge, POCSO, Gopalganj in connection with Barauli P.S. Case No. 176 of 2021 instituted for the offences under Sections 366A, 34 of the Indian Penal Code and Sections 3(2)(5) of SC & ST Act and Section 8 of the POCSO Act whereby his prayer for being released on bail has been rejected.

As per FIR, the allegation against the accused person including this appellant is that they abducted sister of the informant due to ulterior motives. It is further alleged that they



were also threatening him and his family members of dire consequences.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of suspicion. The victim has been recovered who is aged about 19 years and as per her statement recorded under Section 164 of the Cr.P.C., which is annexed as Annexure-2, wherein she has stated that she was in love with this petitioner and she went with him with her own sweet will thereafter they solemnized marriage. It is also submitted that on perusal of the F.I.R itself, it is apparent that there is no allegation of any abuse by caste name and as such, no case under SC/ST Act is made out against the appellant. The appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 10.07.2023.

Learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 11.07.2023.

Accordingly, this appeal is allowed.

The appellant, above named, is directed to be released



on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned VIth Additional Sessions Judge-cum-Special Judge, POCSO, Gopalganj in connection with Barauli P.S. Case No. 176 of 2021.

(Sunil Kumar Panwar, J)

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