

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3607 of 2023**

Arising Out of PS. Case No.-88 Year-2023 Thana- PARBATTa District- Bhagalpur

Sujit Yadav @ Sujit Kumar S/O Kishan Yadav R/O Village- Yamunia, Ps.
Parbatta, Dist. Bhagalpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ranjo Devi Sachidanand Paswan Resident Of Village- Yamunia, P.S.-
Parbatta, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pravin Kumar Sinha
For the Respondent/s : Mr.Usha Kumari 1

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

4 07-12-2023 Instead of notice has been issued to the O.P. No-2, no
one has turned up to assist the Court.

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

3. The instant appeal has been filed by the appellant
against the order dated 12.07.2023 passed by learned
Exclusive Special Judge POCSO-cum 7th Additional District
and Sessions Judge, Bhagalpur whereby the prayer for bail of
the appellant in connection with Parbatta P.S. Case no. 88 of
2023 under Sections 306, 376, 504, 506, 34 of the Indian
Penal Code and sections 4/17 of the POCSO Act and Sections
3(i)(r)(s)/ 3(2)(va) of SC/ST Act was rejected.



4. The informant alleged that the appellant secretly solemnized marriage with her minor daughter and also established physical relation with her. And when the informant and her daughter came to know that the appellant is solemnizing marriage with another girl, then they protested to do so, thereafter the appellant and his family members abused the informant and his daughter by taking their caste name due to which she consumed poison and she is under treatment.

5. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. From perusal of the impugned order, it seems that there is consensual relation between the parties. During course of investigation admit card of the victim has been collected, which shows that the victim is on the verge of maturity. The appellant has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 20.05.2023.

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

7. 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 12.07.2023 is hereby set aside.

8.The appellant is directed to be enlarged on bail in connection with Parbatta P.S. Case no. 88 of 2023 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 Additional District and Sessions Judge-VIIth-cum Special Judge POCSO, Bhagalpur.

(Sunil Kumar Panwar, J)

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