

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3638 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- MAHILA P.S. District- Patna

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KRISHNA KUMAR SON OF MUNNA SAV @ RANJEET KUMAR R/O
VILLAGE- RAMJI CHAK, P.S.- DIGHA, DISTRICT- PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Kajal Kumari D/O Bhola Ram Resident of Village- Ramjichak, Bata P.S.-
Digha, District- Patna-11

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Virendra Kumar Ray
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 18-04-2023 The learned counsel for the appellant is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the appellant as well as the
learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the
appellant under Section 14 (A) (2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting
aside the order dated 04.08.2021 passed by the learned
Additional Sessions Judge-VI-cum-Special Judge, POCSO Act,
Patna registered for offence punishable under sections 376 DA
of the Indian Penal Code and Section 6 of the POCSO Act and



Section 3(V) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

There is allegation against the appellant, his brother Suraj Kumar and one Shrawan Kumar that they committed rape upon the victim, who is aged about 15 years of age.

The learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case. The charges have been framed and the deposition of victim and her mother have been recorded. He has submitted further that the age of the victim, as per medical report is 19 years. As such, the provisions of POCSO Act are not applicable in this case. The appellant is under custody since 23.02.2021.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 04.08.2021 is set aside.

Accordingly, the appellant is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Patna in connection with Mahila P.S. Case No. 23 of 2021.

Further condition is that the appellant shall remain present physically in the Court on each and every



date. If he fails to appear physically on two consecutive dates, his bail bond shall be cancelled.

Office shall ensure that all defects are removed by the appellant within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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