

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2225 of 2024

Arising Out of PS. Case No.-182 Year-2022 Thana- JANTA BAZAR District- Saran

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Ankit Kumar Singh @ Ankit Kumar Son of Jai Prakash Singh Resident of village - Najirganj, P.S. - Janta Bazar, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi Wife of Sunil Sah Resident of village - Najirganj, P.S. - Janta Bazar, District - Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Adarsh Ranjan, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2024 Heard Mr.Adarsh Ranjan, learned counsel for the appellant, learned counsel for the informant and Mr.Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 28.03.2024 passed by the learned Additional Sessions Judge -6th -cum-Special Judge, POCSO Act, Saran in S.T.POCSO 144/2023 arising out of Janta Bazar P.S. Case No.182 of 2022, F.I.R. dated 25.09.2022 registered under Sections 363,366,366(A),323,504,506/34 of the Indian Penal



Code and Section 3(i)(r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The prosecution case, in short, is that on 22.09.2022 at about 4.00 PM the minor daughter of the informant aged about 15 years went to attend the call of nature when she did not return then the informant came to know that she is kidnapped by Ankit Kumar Singh with intention of marriage.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. In fact the victim was in love with the appellant and she has suo motu appeared and recorded her statement under Section 164 Cr.P.C. in which she has categorically stated that she has gone with the appellant with her own sweetwill and she has not stated anything wrong about the appellant and the co-accused person, namely, Jai Prakash Singh who happens to be the father of the appellant, has been granted bail vide order dated 28.04.2023 passed in Cr. Appeal (SJ) No.659 of 2023 and the appellant is are in custody since 09.11.2023.



5. Learned counsel for the respondent No.2 and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant.

6. Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -6th -cum-Special Judge, POCSO Act, Saran in connection with S.T.POCSO 144/2023 arising out of Janta Bazar P.S. Case No.182 of 2022, with the following conditions:-

(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

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