

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3882 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- SIKARPUR District- West Champaran

Rahul Pandit S/O Ramakant Pandit Resident Of Bairia, D.K. Shikarpur, Dist.
West Champaran, Bihar-845451

... .. Appellant/S

Versus

1. The State Of Bihar
2. Mana Devil W/O Yogendra Ram Resident Of Village- Sukulji Ke Bairiya,
Ward No. 3, Ps. Shikarpur, Dist. West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kunal Tiwary, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-01-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.11.2023, he informed the complainant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. This is an appeal under Sections 363, 366A, 506/34 of the I.P.C., u/s 8 and 12 of the POCSO Act and u/s 3(1)(r)(s) of the SC/ST Act against the refusal of prayer of anticipatory bail vide order dated 06.07.2023 passed by learned 7th Additional Sessions Judge-cum-Special Judge (POCSO), West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 333 of



2022 registered under Sections 363/366(A)/506/34 of the Indian Penal Code and Section 8/12 of POCSO Act and 3(1) (r) (s) of the SC/ST Act.

4. As per the F.I.R., allegation against the petitioner is that he along with other co-accused have kidnapped the minor daughter of the informant and solemnized marriage with her. It is further alleged that when the informant along with her son-in-law went to the resident of the petitioner to inquire about her daughter, they have started giving caste slurs and also assaulted the informant and her son-in-law.

5. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has committed no offence as alleged. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. It is further submitted that the appellant has produced the report before the Child Welfare Committee, West Champaran and also inform the age of the victim is more than 18 years on that basis he directed to release the victim. It is further submitted that the appellant and the daughter of the informant have already solemnized marriage and on wedlock she blessed with one child. The allegation of assaulting levelled against the appellant is not



specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. The learned lower Court has also not mentioned any injury in the impugned order after perusal of the case diary. Hence, no offence under SC/ST Act is made out against the appellant. No one has sustained injury in the occurrence. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, considering the argument of the parties and on perusal of record, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Addl. Sessions Judge-cum-Special Judge (POCSO), West Champaran, Betiiah in connection with Shikarpur P.S. Case No. 333 of 2022, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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