

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4272 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- SC/ST District- Gopalganj

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DHANANJAY KUMAR Son of Sunardev Mahto Resident of Village-Harpur Tengrahi, Police Station-Mohammadpur, District-Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. URMILA DEVI Wife of Lalan Sah Resident of Village-Harpur Tengrahi, Police Station-Mohammadpur, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 05-12-2024 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 28.07.2023, passed by learned Additional Sessions Judge VI -cum- Special Judge POCSO, Gopalganj, in ABP No. 48 of 2022, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Gopalganj SC/ST Police Station Case No. 48 of 2022 registered for the offence punishable under Sections 341/323/363/366/504/120B of the Indian Penal Code and



Sections 3(1)(r)(s)/3(2)(Va)/3(2)(V) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the appellant kidnapped the minor daughter of the informant with an intent to marry her.
4. Learned counsel for the appellant submits that the appellant was having love relationship with the victim girl aged about 18 years, which she has disclosed at the time of recording of her statement under Section 164 of the Code of Criminal Procedure. He further submits that the victim girl, in her statement under Section 164 of the Code of Criminal Procedure, has admitted that she went to Surat alone and solemnized marriage with the appellant and was pregnant also.
5. Learned Special Public Prosecutor for the State opposes the prayer for bail and submits that the respondent no. 2 was already informed by him as per the order, dated 07.02.2024, by this Court.
6. Despite information, no one appeared on behalf of the respondent no. 2.
7. Having regard to the submissions made on behalf of the



parties and taking into consideration the statement of the victim girl as recorded in the impugned order, I am inclined to grant the appellant privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 28.07.2023, passed by learned Additional Sessions Judge VI -cum- Special Judge POCSO, Gopalganj, in ABP No. 1277 of 2023, is set aside.
9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI -cum- Special Judge POCSO, Gopalganj, in connection with Gopalganj SC/ST Police Station Case No. 48 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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