

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.76 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Chandan Kumar @ Chandan Mandal Son Of Late Ramnath Mandal Resident
Of Village - Bhada Tola, Athari, Ward No.16, P.S. - Runnisaidpur, District -
Sitamarhi

... .. Appellant/s

Versus

1. The State Of Bihar
2. Raj Kala Devi Wife Of Ram Babu Ram Resident Of Village - Bhada Tola
Dih, Ward No.9, P.O. - Raini Shankar, P.S. - Runnisaidpur, District -
Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pushpendra Kumar Singh, Advocate Smt. Divya Bharti, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 25-04-2024 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. The instant appeal has been filed by the appellant
against the order dated 04.11.2023 passed by learned Additional
Sessions Judge - VI - cum - Special Judge (POCSO) Act,
Sitamarhi in Runnisaidpur P.S. Case No. 107 of 2023 registered
under Sections 363, 366A / 34 of the IPC and Section 8 of the
POCSO Act and Sections 3(i)(r)(s), 3(2)(va) of Schedule Caste
and Schedule Tribe Prevention of Atrocities Act.

3. The allegation against the appellant is of
kidnapping informant's minor daughter when she had gone to
Sareh to take grass for cattle.



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant is in custody since 19.05.2023.

5. On perusal of the FIR, case diary and impugned order dated 04.11.2023, it appears that on the basis of written report of the informant FIR was registered against 6 accused persons including the present appellant Chandan Mandal. On perusal of Statement recorded under Section 164 of Cr.P.C. she has stated that she married with Chandan at Delhi and she went voluntarily with Chandan. No person was kidnapped and she went to go with her mother and also stated that the accused Chandan is innocent.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.

8. Accordingly, the appeal is allowed and order dated 04.11.2023 passed by learned Additional Sessions Judge - VI -



cum - Special Judge (POCSO) Act, Sitamarhi is hereby set aside.

9. Let the appellant be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/ concerned Court in connection with Runnisaidpur P.S. Case No. 107 of 2023.

(Ramesh Chand Malviya, J)

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