

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5106 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- SURSAND District- Sitamarhi

Dilip Ray @ Dilip Kumar Son of Shyam Ray village - Bispatti ward no. -1,
P.S. - Sursand, Dist. - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Niranjan Ram Son of Asharfi Ram village- Meghpur (chhota) ward no. 10,
Panchayat Dadhawari, Ps- Sursand, Dist- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-08-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 10.09.2024 passed by learned Additional Sessions
Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in ABP
No. 141 of 2024 in connection with Sursand P.S. Case No. 128
of 2024, instituted under Sections 366(A)/34 of the Indian Penal
Code and Sections 3(1)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.



4. As per F.I.R., on 6.3.34, when minor daughter of the informant was alone in the house with her younger brother, this appellant along with co-accused Kamlesh Kumar Sah kidnapped her for the purpose of prostitution.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. F.I.R. has been lodged after inordinate delay of twelve days, without any plausible explanation, which itself raises doubt over veracity of the prosecution case. He further submits that in JJB Trial No. 2145 of 2024 informant and the victim appeared and examined before the Juvenile Justice Board and they have not supported the prosecution case (copy of deposition of the informant and victim annexed as Annexure-2) Moreover, from bare perusal of the F.I.R. it is apparent that there is absolutely no allegation that this appellant abused informant or victim by caste name, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the deposition of informant and victim before the Juvenile Justice Board wherein they did not support the prosecution case, let the appellant, as named above, in the



event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing sureties of the like amount each to the satisfaction of learned bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in ABP No. 141 of 2024 in connection with Sursand P.S. Case No. 128 of 2024.

8. Accordingly, this criminal appeal is allowed and impugned order dated 10.09.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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