

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 448 of 2026

Amit Kumar	-----	Appellant(s)
	Versus	
The State of Jharkhand		Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant(s)	:	Mr. Naveen Kr. Jaiswal, Advocate
For the State	:	Mrs. Shweta Singh, A.P.P

Order No. 03/ Dated 07.07.2026
I.A. No.4668 of 2026

Heard Mr. Naveen Kumar Jaiswal, learned counsel for the appellant and Mrs. Shweta Singh, learned A.P.P for the State.

This interlocutory application has been preferred by the appellant for grant of bail during the pendency of this appeal.

The appellant has been convicted for the offences under Sections 363, 366(A) & 376 of the Indian Penal Code and Section 4 of the POCSO Act and has been sentenced to undergo R.I for 20 years along-with a fine of Rs. 40,000/- for the offence under Section 4 of the POCSO Act.

It has been alleged that the minor daughter of the informant went missing on 28.08.2018 and on a search conducted, it came to the knowledge of the informant that it was the present appellant, who had enticed away the daughter of the informant on a Scorpio vehicle.

Submission has been advanced by the learned counsel for the appellant that in the 164 Cr.P.C statement of the victim, she has stated that she was married and she had eloped with the appellant and she has further stated that a 498A IPC case was also instituted against her husband. Learned counsel submits that in 164 Cr.P.C statement, no allegation has been made against the appellant of establishing physical relationship with the victim. It has further been submitted that however in her evidence as P.W.5, the victim has made a U-turn and has stated that it was the appellant who had abducted her and subjected her to sexual relationship. Learned counsel has also referred to the defence exhibit, more particularly to the case instituted under Section 498A IPC on 17.01.2019, in which, it has been stated that the marriage of the victim was solemnized with another person on 02.07.2018, which was much prior to the date of the purported abduction. Learned counsel further submits that in her complaint, she has stated that her age is

about 19 years.

Learned A.P.P has opposed the prayer for bail of the appellant and has submitted that as per the medical report, the age of the victim was assessed to be 15-16 years. Learned A.P.P has also referred to the evidence of the victim, while submitting that there is specific allegation against the appellant of abducting and committing rape upon the victim.

In the 164 Cr.P.C statement, the victim has stated about her marriage which was earlier solemnized with another person and her elopement with the appellant and it has further been asserted that the appellant had not established physical relationship with the victim. However, a different color has been given in her evidence as she has supported whatever has been stated in the First Information Report by the informant and it has also been alleged that it was the appellant who had subjected her to rape. However, she has also stated that whatever was the truth, has been stated by her in her 164 Cr.P.C statement.

In view of the apparent improvement in the statement of the victim which we have enumerated above and the fact that despite being married, the victim appears to have eloped with the appellant, we are inclined to admit the appellant on bail. Accordingly, during the pendency of this appeal, the appellant is directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Amresh Kumar, learned District & Additional Sessions Judge-cum-Special Judge (POCSO), Chatra, in connection with Pratappur P.S. Case No.101 of 2018, corresponding to POCSO Case No.06 of 2019.

The aforesaid I.A. stands allowed and disposed of.

(Rongon Mukhopadhyay, J.)

(Arun Kumar Rai, J.)