

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1007 of 2016

Arising Out of PS.Case No. -82 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

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Dhananjay Soni, son of Radhe Shyam Soni, resident of village-Jigna Mazar, Police Station-Mirganj, District-Gopalganj.

.... Appellant.

Versus

The State of Bihar

.... Respondent.

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Appearance :

For the Appellant : Mr.

For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 23-12-2016

Learned counsel for the appellant is permitted to make necessary correction in the prayer portion of the memo of appeal within course of the day.

2. Heard learned counsel for the appellant as well as learned Special P.P. for the State.

3. This criminal appeal, filed under section 14A (2) of the SC/ST (Prevention of Atrocities) Amendment Act, is preferred against the order dated 28.06.2016 passed by the learned Additional Sessions Judge 1st, Gopalganj, in B.A.No. 1500 of 2016 by which the prayer of the appellant for regular bail in connection with Mirganj P.S. Case No.82 of 2016/ G.R.No. 928 of 2016 was rejected.

4. The appellant was made accused in Mirganj P.S.Case



No. 82 of 2016 registered under Sections 363, 366A and 120B/34 of the Indian Penal Code and Section 3(x) of the SC/ST (Prevention of Atrocities) Amendment Act.

5. The accusation against the appellant is that he kidnapped the informant's minor daughter but in course of investigation, the victim was recovered and her statement under section 164 of the Cr.P.C. was recorded in which she stated that on the invitation of the appellant, she reached at Siwan station where one woman met her and the said woman took her to Patna. She further stated that she contacted the appellant on phone but appellant gave threatening to her.

6. Submission on behalf of the appellant is that the statement of victim goes to show that she was not kidnapped by the appellant and even after completion of the investigation, the I.O could not succeed to collect any material to show that the appellant had any connection or nexus with the aforesaid woman. Moreover, the victim herself stated that prior to the alleged occurrence, she was in love with the appellant.

7..Considering the aforesaid facts and circumstances as well as submission of the parties, and also taking note of this fact that the learned court below has not taken the aforesaid facts while rejecting the prayer for bail of the appellant, this criminal appeal is



allowed and the impugned order dated 28.06.2016 passed by the Additional Sessions Judge 1st, Gopalganj, in B.A.No. 1500 of 2016 is hereby set aside.

8. Accordingly, the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 1st, Gopalganj, in B.A.No. 1500 of 2016 in connection with Mirganj P.S. Case No.82 of 2016/ G.R.No. 928 of 2016.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NA
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