

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1878 of 2017

Arising Out of PS.Case No. -76 Year- 2017 Thana -TARIYANI CHOWK District- SHEOHAR

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Kamlesh Rai son of Ramchandra Rai Resident of Village - Lahsurka, P.S. -
Tariyani, District - Sheohar.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-07-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order dated 06.06.2017 passed by 1st Additional Sessions Judge-cum-Special Judge, Sheohar, in Regular Bail Application filed by the appellant, arising out of Tariyani P.S.case No. 76 of 2017 instituted under Sections 363, 366A, 504/34 of the Indian Penal Code and 3(I)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and for grant of bail to the appellant.

Allegation as per FIR against the appellant is that he abducted the victim girl.

It has been submitted on behalf of the appellant that statement under Section 164 Cr.P.C was recorded in which the victim has stated that she had gone on her own and she married the appellant, which statement has been produced by learned counsel for the appellant in Court.



Learned Special P.P. could not controvert the above submission.

Having heard both sides and in view of facts and circumstances, as stated above, let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Sheohar, in connection with Tariyani P.S.Case No. 76 of 2017, G.R.No. 278 of 2017, subject to the conditions that one of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, he will co-operate in disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail and further he will not induce any witness or tamper with the evidence.

Accordingly, this appeal is allowed and the impugned order is set aside.

(Vinod Kumar Sinha, J)

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