

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1235 of 2017

Arising Out of PS.Case No. -391 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Ram Babu Kumar, son of Banshi Das, Resident of village- Goshpur, P.S.- Dalsingsarai, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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with

Criminal Appeal (SJ) No.1367 of 2017

Arising Out of PS.Case No. -391 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Laxman Kumar Son of Sakal Singh @ Ram Sakal Singh Resident of Village - Goshpur, P.S.- Dalsingsarai, District - Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

(In CR. APP (SJ) No.1235 of 2017)

For the Appellant/s : Mr. S.N.P. Sinha, Sr. Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1

(In CR. APP (SJ) No.1367 of 2017)

For the Appellant/s : Mr. S.N.P. Sinha, Sr. Adv.

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-06-2017 Both the above appeals arise out of same P.S. case number and as requested by learned counsel for the appellants, both these appeals are clubbed together and are being decided by this common order.

The appellants in both the above appeals seek regular bail



in connection with Dalsinghsarai P.S. Case No. 391 of 2016, registered for offences punishable under Sections 366A, 376, 452, 323/34 of the Indian Penal Code, Section 4 of POCSO Act and Section 3(i)(r)(s)(x) of SC/ST Act.

Allegation against the appellants in both the appeals that they along with other accused persons have kidnapped the daughter of the informant and there is also allegation that other accused person have committed rape on her.

It has been submitted on behalf of the appellants in both the appeals that there is no allegation of commission of rape against these appellants and at best there is allegation against the appellants that they assisted other accused persons in kidnapping the daughter of the informant. It has further been submitted that statement of girl recorded under Section 164 Cr.P.C. also shows that the appellants were not involved in commission of rape with her. It has also been submitted that above sections of SC/ST Act is not application to the appellants as they also belongs to the SC community. The appellant in Criminal Appeal (SJ) no. 1235 of 2017 is in judicial custody since 19.11.2016 and appellant in Criminal Appeal (SJ) No. 1367 of 2017 is in judicial custody since 17.11.2016.

Heard learned A.P.P. also.



Having heard both sides, considering the facts and circumstances of the case and the statement of girl recorded under Section 164 Cr.P.C, both the above appeals are allowed and impugned orders are set aside, let the appellants in both the above mentioned appeals, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, (Special Judge) Samastipur, in connection with Dalsinghsarai P.S. Case No. 391 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the



prosecution will be free to move for
cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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