

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2141 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -SC/ST District- NAWADA

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1. Ajay Kumar, Son of Kishori Sinha, resident of Village Dhanwan, P.S. Narhat District Nawada.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.05.2018 in A.B.P. No. 545 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nawada in connection with SC/ST P.S. Case No. 01 of 2018 registered under Sections 149, 366A, 120B, 367, 372 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

The main allegation is of commission of kidnapping of the daughter of the informant by the appellant.

The victim in her statement under Section 164 Cr.P.C. did not state about her kidnapping, rather she stated that she got missed while she had gone to the bank along with her mother and thereafter, an old lady helped her to come back.



Submission is that the parties have entered into a compromise.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the statement of the victim wherein there is no allegation of kidnapping, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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