

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1585 of 2018

Arising Out of PS. Case No.-25 Year-2017 Thana- DUMARIYA District- Gaya

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Gulsher Khan, Son of Salahuddin Khan, resident of Village- Haranchak, P.S.-
Dumariya, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Nandu Bhuian, Son of Jamitar Bhuiyan, R/o Village- Hasanchak, P.S.-
Dumariya, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. S. Jamil Akhtar
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-11-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 04.04.2018 passed by the learned Special Judge (S.C./S.T. Act), Gaya in A.B.P. No.54 of 2018, arising out of Dumaria Police Station Case No.25 of 2017 registered under Sections 364, 504, 506/34 of the Indian Penal Code and Sections 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to F.I.R., the younger brother of the informant was missing from 16.04.2017. When the informant got information about missing, he came to the village and inquired



from the people. The inquiry revealed that the victim was in the habit of being in the company of the appellant and co-accused. Hence, the appellant and co-accused are suspected to have kidnapped him.

Submission of the learned counsel for the appellant is that there is no eyewitness of the occurrence and only material is suspicion. There is no motive alleged against the appellant to have committed kidnapping or abduction, nor the informant had disclosed identity of the person who had informed that the victim was last seen along with the appellant.

Considering the aforesaid facts, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A.
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