

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2440 of 2018

Arising Out of PS. Case No.-216 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

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1. Babloo Singh @ Babloo Prasad Singh, S/o Nakul Prasad Singh,
 2. Nakul Prasad Singh, S/o Kailash Singh, Both are resident of Village- Kankaithi, Police Station- Jagdishpur, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Shanker Pankaj
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Ashutosh Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-09-2018

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 regular bail vide order dated 11.06.2018 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge, Bhagalpur in Jagdishpur Police Station Case No.216 of 2018, corresponding to G.R. No.1940 of 2018 registered under Sections 341, 504, 366A/34 of the Indian Penal Code as well as Section 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



According to F.I.R., the daughter of the informant was found missing and it was suspected that co-accused, *Sumit Singh* with intent to marry with her had induced her to go with him. When the matter was complained to the appellants, who are father and brother of *Sumit Singh*, they did not respond properly, rather abused. Hence, informant suspected that they were involved in the kidnapping of his daughter. The statement of the victim recorded in para 26 of the case diary reveals that she has stated before the Police that she had love affairs with *Sumit Singh* and she had voluntarily gone with *Sumit Singh* to Delhi and thereafter, to Chandigarh. However, in her statement recorded under Section 164 of the Code of Criminal Procedure before the learned Magistrate, she alleged that all the named persons allegedly committed rape against her.

Learned counsel for the informant opposed the prayer for bail.

Considering the earlier statement of the victim girl as well as disclosure in the F.I.R. which reveals the matter of some affairs between the victim and co-accused, *Sumit Singh*, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned



court below where the case is pending in connection with the aforesaid case, subject to the condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

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Uploading Date	
Transmission Date	

