

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.638 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -SC/ST District- ARRARIA

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1. Md. Kadir @ Kadir S/o Md. Majid @ Mazeed, R/o Dallu Tola, Ward No.19,
Forbesganj, P.S.- Forbesganj, District- Araria. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharmendra Kumar, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 27-08-2018

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 against the refusal of prayer for bail by order dated 07.11.2017 by the learned 1st Additional Sessions Judge-cum- Special Judge (S.C./S.T. Act), Araria, in connection with Special SC/ST Case No.189 of 2017 arising out of SC/ST Araria Police Station Case No.37 of 2017 registered under Sections 363,365,504,506,34 of the Indian Penal Code and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

I.A.No.804 of 2018 has been filed under Section 5 of the Limitation Act for condonation of delay of 5 days in filing of this appeal. The reason is explained. Hence, the delay is condoned.

Submission of the learned counsel for the appellant



is that the appellant is in custody since 15.07.2017. Though in the statement under Section 164 Cr.P.C., the victim has alleged her kidnapping by the appellant and co-accused- Firoj and Rafique. However, the reading of the entire statement would reveal that the matter is of love affairs because the victim traveled to different places alongwith the appellant without making any protest.

Considering the nature of material and period already undergone by the appellant, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (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, with condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
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