

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3817 of 2018

Arising Out of PS. Case No.-10 Year-2017 Thana- KANGLI District- West Champaran

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1. Bhulai Mian @ Bhulai Ansari, S/o Umar Mian,
 2. Gaisool Ansari, S/o Izhar Ansari, Both are resident of Village-Senuriya, Police Station- Kangli, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akhileshwar Kumar Shrivastva, Adv
For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

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 23.08.2018 in B.P.No.3120 of 2018 passed by the learned Additional District and Sessions Judge 1st-cum-Special Judge (S.C./S.T. Act), West Champaran, in connection with Kangali P.S.Case No.10 of 2017(G.R.No.403 of 2017) registered under Sections 341,342,323,504,506 and 366(A) of the Indian Penal Code and Section 3(i)(x)W of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

When the informant woke up in the early morning, he found that his minor daughter was missing.



After hectic search, he noticed a mobile phone on the bed of the victim, which was of co-accused-Ramesh Patel, who was running a grocery shop nearby. On that basis, informant was confident that the victim has been kidnapped by Ramesh Patel and others including the appellants.

Submission of the learned counsel for the appellants is that appellants are in custody since 11.04.2018. They have got no criminal antecedent nor there is any substantial material against the appellants collected during investigation.

The victim girl is still traceless. However, the report of the Superintendent of Police, West Champaran, Bettiah dated 10.12.2018 would reveal that the police is taking all steps to recover the victim girl and to arrest Ramesh Patel.

Considering the fact that there is no substantial material against the appellants against whom the investigation is complete, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each 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 appellants shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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