

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.367 of 2019

Arising Out of PS. Case No.-650 Year-2018 Thana- SHERGHATI District- Gaya

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1. SUNAINA DEVI, wife of Indradeo Thakur, Resident of village-Dharampur, P.S.-Sherghati (Dhobhi), District-Gaya
 2. Upendra Kumar @ Upendra Thakur, son of Indradeo Thakur, Resident of village-Dharampur, P.S.-Sherghati (Dhobhi), District-Gaya

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 01-02-2019

This appeal is for grant of pre-arrest bail to the appellants against the order dated 4.1.2019 passed by Special Judge, SC/ST Act, Gaya, in ABP No. 249 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellants, who have been made accused in Sherghati (Dobhi) P.S.Case No. 650 of 2018, registered under Sections 366A/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation is of kidnapping of minor daughter of informant against son of the appellants and further allegation is that when informant went to complain about the same they abused him.

Submission of learned counsel for the appellants is that FIR itself shows that son of the appellants has taken away the girl and though there is allegation of abuse but no caste name was taken.

Heard learned Special P.P.



Having heard both sides and in the facts and circumstances, let the appellants, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, Gaya, in connection with Sherghati (Dobhi) P.S.Case No. 650 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellants shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 4.1.2019 is set aside.

(Vinod Kumar Sinha, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

