

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.595 of 2019

Arising Out of PS. Case No.-587 Year-2018 Thana- DIGHA District- Patna

SURAJ SAHANI, aged about 26 years, (M) Son of- Balmiki Sahani Resident of Mohalla-Yadubanshi Nagar, Akhara Road, Digha Ghat, P.S.- Digha, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 26-03-2019 Heard learned counsel for the parties.

A supplementary affidavit has been filed by the learned counsel for the appellant and same has been taken on record.

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 **21.01.2019** passed by learned **Special Judge SC/ST, Patna** in connection with **Special Case No. 631 of 2018 arising out of Digha P.S. Case No. 587 of 2018** registered under Sections 363, 364 and 34 of the IPC and Section 3 (I) (r) (ii) of SC/ST (Prevention of Atrocities) Act.



Informant is the mother of victim who in her written complaint has stated that on 20.11.2018 at about 11:00 A.M. her daughter Payal Kumari aged about 16 years have been forcibly taken away by FIR named accused Ajit Sahani, Rajesh Sahani, Suraj Sahani (appellant), Balmiki Sahani, Gudiya Devi and after much search her whereabouts could not be ascertained and she suspected that FIR named accused had kidnapped her.

It has been submitted on behalf of the appellant that he is innocent and has been falsely implicated in this case. The victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. and she has stated that she willingly and volitionally went away with Ajit Sahani and both have solemnized marriage and she is living with him. Girl is major. Appellant has got no criminal antecedent and is in custody since 20.12.2018.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- 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, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the



jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

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

(S. Kumar, J)

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