

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.933 of 2019

Arising Out of PS. Case No.-556 Year-2018 Thana- PATLIPUTRA District- Patna

NIRAJ KUMAR S/o Upendra Sao, Resident of Mohalla-Sadakat Ashram,
P.S.-Patliputra, District-Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amresh Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 28-06-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 06.02.2019 passed by learned Special Judge SC/ST (POA) Act, Patna in connection with Patliputra P.S. Case No. 556 of 2018 registered under Sections 363/366-A of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The minor daughter of the informant is said to have been kidnapped by the informant when she went out of the



house to fetch chart paper.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to ulterior motive. The victim in her statement under Section 164 Cr.P.C. has candidly stated that she was in love with the appellant for past 1½ years and she has suo motu eloped with the appellant to Rajasthan. Appellant had not kidnapped her. Appellant has no criminal antecedent and has been languishing in custody since 26.12.2018.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Patna in connection with Patliputra P.S. Case No.556 of 2018.

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

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(Prakash Chandra Jaiswal, J)

