

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1013 of 2019**

Arising Out of PS. Case No.-65 Year-2018 Thana- SARSI District- Purnia

Md. Jumman @ Md. Nasim @ Md. Jaman Son of Md. Shamim Resident of
Village- Sarsi (Refugee Tola), P.S.- Sarsi, Dist- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Mallick
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

6 21-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 07.01.2019 passed by learned 1st Addl. Sessions
Judge cum Special Judge, SC/ST Act, Purnea in Sarsi P.S. Case
No. 65 of 2018 registered under Sections 366(A)/34 of the
Indian Penal Code and Section 3(1)(w) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.

Minor daughter of the informant is said to have
been kidnapped by Md. Gayas with the help of appellant and
Rohit Kumar for the purpose of performing marriage with her.



It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case. There is no eyewitness of the occurrence. He has only allegedly facilitated the kidnapping of the victim by Md. Gayas and said Md. Gayas has been enlarged on regular bail by the learned court below. Though, victim in her statement recorded under Section 164 Cr.P.C. has stated that the appellant along with two other named accused persons had taken her away from her house, but the police personnel has found the victim and Md. Gayas sitting together on the tea and sweetmeat shop and both were apprehended by the police as evident in paragraph 14 of the case diary. The appellant was not present at the aforesaid place. Moreover, the victim has not made any complain against the appellant to the police at the time of her apprehension. Victim has given statement under Section 164 Cr.P.C. under influence and instruction of her parents as afterthought.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in connection with Sarsi P.S. Case No. 65 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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