

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4455 of 2018

Arising Out of PS. Case No.-64 Year-2018 Thana- JADOPUR District- Gopalganj

Aftab Mian, Son of Mustafa Mian Resident of Village- Gumaniya, P.S.
Bishwambharpur, District Gopalganj.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Indrajeet Bhushan

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 17-01-2019

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 of anticipatory bail dated 01.10.2018 passed by the learned 1st Addl. Sessions Judge, -cum-Special Judge, Gopalganj in ABP No. 1530 of 2018 arising out of Jadopur P.S.Case No. 64 of 2018 registered under Sections 366A/34 of the Indian penal Code and Sections 3(1)(S) (W) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation as per the FIR is that appellant along with other accused persons have kidnapped the minor daughter of the informant for the purpose of marriage and when she made complaint to the accused persons, they assaulted and insulted



her by taking caste name.

Submission of learned counsel for the appellant is that prosecution case is false and concocted which will appear from from Annexure-2 and 3 as victim girl in her statement recorded under Section 164 Cr.P.C. has denied the allegation of kidnapping.

Heard learned Spl. P.P also who has opposed the prayer of anticipatory bail on the ground that girl is minor aged about 17 years.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant abovenamed, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, -cum-Special Judge, Gopalganj in ABP No. 1530 of 2018 arising out of Jadopur P.S.Case No. 64 of 2018 ; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellant shall co-operate in the investigation and make himself available as and when required



by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

