

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1666 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- GAUNAHA District- West Champaran

MUKESH KUSHWAHA Son of Meghu Kushwaha Resident of Village -
Murli Bharhawa, P.S.- Gaunaha, Distt - West Champaran at Bettiah.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

3 04-07-2019 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 15.03.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran, Bettiah in connection with Gaunaha P.S. Case No. 136 of 2018, registered under Sections 366 (A), 341, 323, 504/34 of the Indian Penal Code and also under Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Minor daughter of the informant is said to have been



kidnapped by the appellant while she was going for defecation.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politics. Victim in her statement recorded under Section 164 of the Cr.P.C. her candidly stated that she suo motu fled away with appellant at Gorakhapur and performed marriage. The appellant managed a rented room for her and returned to his house, appellant has not kidnapped her. He has no criminal antecedent.

Learned Spl. P.P. 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 in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in connection with Gaunaha P.S. Case No. 136 of 2018, subject to 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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