

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1768 of 2019**

Arising Out of PS. Case No.-611 Year-2018 Thana- BARAUNI District- Begusarai

Devniti Kumar S/o- Kaushal Kishore Ray @ Birbal Rai Resident of Village-
Kill, P.S.- Barauni (Garhara), District- Begusarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shubhesh Pandey
For the Respondent/s : Mr. Usha Kumari 1

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

ORAL JUDGMENT

Date : 30-04-2019

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 for bail vide order
dated 30.03.2019 passed by learned Special Judge SC/ST (PoA)
Act, Begusarai in Barauni (Garhara) P.S. Case No. 611 of 2018
registered under Sections 366(A)/34 of the Indian Penal Code,
Sections 3(1)(R)(S) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.

Appellant is said to have kidnapped the minor
daughter of the informant while she was asleep in her house
intending to perform marriage with her.



It is submitted by learned counsel for the appellant that no such occurrence as alleged every took place. Victim in her statement recorded under Section 164 Cr.P.C. has herself stated that she had called the appellant at the time of occurrence and *suo motu* eloped with her and went to Delhi. Appellant has not kidnapped her. But, on interaction with the father on telephone about filing the case against them, they regressed to house. The learned Magistrate while recording the statement of the victim has assessed her age as 18 years and she was major at the time of occurrence. There is no allegation of any sexual assault against the victim at the hand of the appellant. Appellant has no criminal antecedent and has been languishing in custody since 30.03.2019.

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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (PoA) Act, Begusarai in Barauni (Garhara) P.S. Case No. 611 of 2018.

Accordingly, the impugned order is set aside and



appeal is allowed.

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
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