

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1867 of 2019**

Arising Out of PS. Case No.-551 Year-2018 Thana- BUXAR District- Buxar

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Guddu Turha S/o Bihari Turha R/o Village- Barkagaon, P.S.- Buxar Industrial,
District- Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shitanshu Shekhar Mishra
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

6 20-08-2019 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 for bail vide order dated 26.03.2019 passed by learned 1st Addl. District & Sessions Judge-cum-Special Judge, Buxar in Buxar P.S. Case No. 551 of 2018 registered under Sections 363, 366, 506, 120(B) of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant along with three other named accused persons are said to have kidnapped the wife of the informant on the Marshal vehicle while the informant and his wife were



passing through Buxar Ganga Bridge.

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 due to animosity and dirty village politics. There is contradiction between the statement of informant and the statement of the victim recorded under Section 164 Cr.P.C. regarding the presence of the informant at the place of occurrence. Victim has denied her medical examination. Barring kidnapping of the victim by the appellant, there is no other allegation against the appellant and co-accused Minku Tiwari @ Ranjit Tiwari has been enlarged on bail by the learned court below. Appellant has no criminal antecedent and has been languishing in custody since 26.02.2019, hence, he may be enlarged on bail.

Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellant submitted that the victim in her statement recorded under Sections 161 and 164 Cr.P.C. has taken the name of the appellant in the occurrence and has candidly stated that the appellant and two other unnamed accused persons kidnapped her on the point of knife and took her to Surat by train, but she anyhow managed to escape from their captivity after one month. Case of the appellant stands on



different footing than co-accused Minku Tiwari @ Ranjit Tiwari, hence, the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer is rejected and the appeal is dismissed.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within nine months after framing of charge and S.P. Buxar is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Buxar by fax for needful.

(Prakash Chandra Jaiswal, J)

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