

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2308 of 2019**

Arising Out of PS. Case No.-162 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

OM PRAKASH SINGH Son of Awdhesh Singh Resident of Village -
Mednipur, P.S.- Sasaram (M), Dist.- Rohtas.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Neeraj Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

6 09-08-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 24.12.2018 passed by learned 1st Additional Sessions Judge cum Special Court SC/ST Act, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 162 of 2018 registered under Sections 366 A and 365/34 of the Indian Penal Code, Section 12 of the POCSO Act and Section 3(w) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The informant, her sister and three other girls were taken to the Mednipur for dance programme in the school by the appellant and three other named accused persons and at 1 PM the appellant and one Adityamal Singh kidnapped the minor sister of the informant and the victim is still traceless.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. He has no concern with the said occurrence. He happens to be driver of the vehicle by which the informant and other girls had gone to Mednipur for the dance programme. The independent witnesses in paras-64, 65 & 66 have unanimously stated that the victim had love affair with the co-accused Deepak Kumar and eloped with him during the course of dance programme. Appellant has no criminal antecedent and has been languishing in custody since 25.10.2018. Similarly situated co-accused Monu Kumar has been enlarged on bail by the learned Court below.

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 released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram or learned 1st Additional Sessions Judge cum Special Court SC/ST Act, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 162 of 2018.

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

(Prakash Chandra Jaiswal, J)

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