

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2188 of 2019**

Arising Out of PS. Case No.-210 Year-2018 Thana- LAURIA District- West Champaran

BHOLA PANDEY S/o Late Kedar Pandey Resident of Village- Pipara
Naurangiya, P.S.- Yogapatti, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

5 28-08-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 01.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Bettiah, West Champaran in Lauriya P.S. Case No. 210 of 2018 registered under Sections 366 and 494/34 of the Indian Penal Code and Section 3(2)(v) of the SC/ST Act.

While the wife of the informant along with his sister had gone to the field for defecation, appellant along with co-accused Ranbir Pandey kidnapped his wife on the motorcycle.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence.



Appellant has been falsely implicated in the case merely because he happens to be father of Ranbir Pandey who was in love with the victim preceding to her marriage and after her marriage victim was kidnapped by him. Victim in her statement recorded under Section 164 Cr.P.C. has not taken the name of the appellant in the occurrence. After investigation of the case, police has submitted chargesheet against Ranbir Pandey showing the appellant as not sent up. Appellant has no criminal antecedent. Said Ranbir Pandey has been enlarged on regular bail by a co-ordinate Bench of this Court vide order dated 04.12.2018 passed in Cr. Appeal (SJ) No. 4039 of 2018.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 210 of 2018, subject to the 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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