

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2769 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- MINAPUR District- Muzaffarpur

PREM KUMAR SAH @ PREM KUMAR Son of Late Dharamnath Sah
Resident of Village- Neura Khanejadpur, P.S.- Minapur, District-
Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yugal Kishore

For the Respondent/s : Mr. Vinay Krishna

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

ORAL ORDER

5 09-09-2019 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 bail vide order dated 17.06.2019 passed by learned 11th Addl. Sessions Judge cum Special Judge, SC/ST Act, Muzaffarpur in Minapur P.S. Case No. 81 of 2019 registered under Sections 365 and 366/34 of the Indian Penal Code and Sections 3(i)(r)(w), (ii)(v-a) of the SC/ST Act.

Appellant along with five other named accused persons are said to have kidnapped the daughter of the informant namely Neela Kumari aged about 18-19 years while she had stepped out of the house for defecation.



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. As a matter of fact, victim is major and she was in love with the brother of the appellant and she suo motu left her house and performed marriage with the brother of the appellant. The victim in her statement recorded under Section 164 Cr.P.C. has also stated that she suo motu left her house for Muzaffarpur and performed marriage with the brother of the appellant namely Naresh Kumar in a temple and now they are living together in Kathmandu. On the petition of the victim and the sister of the appellant, learned lower court has ordered to release the victim in favour of the sister of the appellant finding the victim major. Appellant has no criminal antecedent and has been languishing in custody since 29.05.2019.

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 11th Addl. Sessions Judge cum Special Judge, SC/ST



Act, Muzaffarpur in connection with Minapur P.S. Case No. 81
of 2019.

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

(Prakash Chandra Jaiswal, J)

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