

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2897 of 2019**

Arising Out of PS. Case No.-260 Year-2018 Thana- HASANPUR District- Samastipur

SUDHIR KUMAR KARN @ SUDHIR KUMAR KARNA S/o Narendra Lal
Karna R/o Village- Malipur Hasanpur, P.S.- Hasanpur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhay Shankar Mr. Shyameshwar Kumar Singh Mr. Chaitanya Swaroop
For the Respondent/s	:	Mr.Sadanand Paswan

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

ORAL ORDER

3 29-08-2019 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 11.06.2019 passed by learned 1st Addl. Sessions Judge, Samastipur in Hasanpur P.S. Case No. 260 of 2018 registered under Sections 363 and 366A/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Minor daughter of the informant had gone to the nearby place to pluck flower and since then she is missing. During the course of search, informant learnt that her daughter has been kidnapped by Pradeep Kumar Karn and Sudhir Kumar Karn. On the preceding evening, Pradeep Kumar had given



threatening to the informant by his mobile to ruin her family. Said Pradeep Kumar Karn has also lodged a false case against the informant and her family members earlier.

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 the case due to animosity. There is no eye witness of the occurrence. He had not extended any threatening to the informant. Informant in her further statement has not taken the name of the appellant in kidnapping her daughter rather has stated that brother and father of Pradeep Kumar Karn used to extend threatening to her. Though witnesses in Para-7 and 8 of the case diary have stated that all the accused named in the F.I.R. have kidnapped the daughter of the informant but aforesaid witnesses do not happen to be eye witness of the occurrence. Appellant has no criminal antecedent. Similarly situated co-accused namely Sanjeev Karn, Indra Devi and Narendra Lal Karn have been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.04.2019 passed in Cr. Appeal (SJ) No. 771 of 2019

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, Samastipur in connection with Hasanpur P.S. Case No. 260 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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