

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3067 of 2019

Arising Out of PS. Case No.-216 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

SUMIT KUMAR SINGH @ SUMIT SINGH Son of Nakul Prasad Singh
Resident of Village- Kankaithi, Police Station- Jagdishpur, District-
Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Shanker Pankaj
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

6 18-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 26.11.2018 passed by learned 3rd Addl.
Sessions Judge cum Special Judge, Bhagalpur in Jagdishpur P.S.
Case No. 216 of 2018 registered under Sections 341, 504,
366A/34 the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(Va)
of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Daughter of the informant aged about 18 years is said
to have been kidnapped by the appellant Sumit Singh and when



the informant along with his wife arrived at the house of the appellant Sumit Singh to inquire about the matter with his family members, they made them to leave the house slating them.

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. As per the F.I.R. itself, victim is aged about 18 years and on medical examination, doctor has also found her age as 18 years. Victim in her statement recorded under Section 161 Cr.P.C. has candidly stated that she was in love with the appellant years back and had *suo motu* eloped with him out of her sweet will and went to Delhi and from there to Chandigarh. But in quite contradiction to the aforesaid statement, victim in her statement recorded under Section 164 Cr.P.C. has stated that all the male family members of the appellant including appellant kidnapped her and committed rape against her. Aforesaid latter statement of the victim appears to be afterthought and not reliable. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Babloo Singh @ Babloo Prasad Singh and Nakul Prasad Singh have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 11.09.2018 passed in Cr.



Appeal (SJ) No. 2440 of 2018 and Sonu Singh has been enlarged on anticipatory bail by this Court vide order dated 29.08.2019 passed in Cr. Appeal (SJ) No. 2943 of 2019.

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

In 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 learned 3rd Addl. Sessions Judge cum Special Judge, Bhagalpur in connection with Jagdishpur P.S. Case No. 216 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that the appellant shall extend all sort of cooperation in the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Prakash Chandra Jaiswal, J)

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