

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3366 of 2019**

**In
CRIMINAL MISCELLANEOUS No.41509 of 2019**

Arising Out of PS. Case No.-177 Year-2018 Thana- SAUR BAZAR District- Saharsa

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Guddu Kumar Yadav Son of Jangbahadur Yadav Resident of Village-
Thengha, P.S.-Sour Bazar, District-Saharsa.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Mishra

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

4 19-09-2019 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 05.04.2019 passed by learned 3rd Additional Sessions
Judge cum Special Judge SC/ST Act, Saharsa in connection
with Special SC/ST Case No. 19 of 2018, arising out of Sour
Bazar P.S. Case No.177 of 2018 registered under Sections
366A, 504 & 506/34 of the Indian Penal Code and Section 3(1)
(x) (s) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

While the informant along with his minor daughter was regressing to his house from the market, the appellant along with 4-5 unknown miscreants kidnapped the minor daughter of the informant slated her in the name of caste.

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, the victim was in love with the appellant and she *suo motu* eloped with him. Moreover parties to the case have compromised the matter. Appellant has no criminal antecedent and has been languishing in custody since 29.03.2018. Hence, he may be enlarged on bail.

Per contra, learned Spl. PP for the State vehemently opposing the prayer for bail submitted that the appellant has kidnapped the minor daughter of the informant along with other accused persons. Victim in her statement made under Section 161 & 164 Cr.P.C. has supported the occurrence. The informant has also supported the occurrence. Hence, the appellant does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail



is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within five months after framing of the charge. Both the parties are expected to extend their co-operation in conclusion of the trial. The appellant may renew his prayer for bail if the trial is not concluded within the stipulated period.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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