

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3948 of 2019

Arising Out of PS. Case No.-332 Year-2018 Thana- TRIVENIGANJ District- Supaul

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1. AKHILESH KUMAR @ ANKU KUMAR Son of Shri Jay Prakash Sah Resident of Simrahi Bazar, Ward No. 10, P.S.- Raghapur, District - Supaul.
 2. Brajesh Kumar Son of Shri Jay Prakash Sah Resident of Simrahi Bazar, Ward No. 10, P.S.- Raghapur, District - Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrit Abhijat

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 25-10-2019 Heard learned counsel for the appellants 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 of bail vide order dated 16.08.2019 passed by learned 1st Additional Sessions Judge- cum -Special Judge, Supaul in connection with SC/ST Case No. 71 of 2019, arising out of Triveniganj P.S. Case No. 332 of 2018 registered under Sections 366(A) / 363 and 34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

In course of regressing to the house by grand daughter of the informant namely Kajal Kumari, appellant Akhilesh Kumar @ Anku Kumar and Brajesh Sah kidnapped her on the vehicle and kept her in their house. When the informant approached their parents, they uttered that their sons have kidnapped his grand daughter for the purpose of marriage and victim will not be released.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. Victim Kajal Kumari in her statement recorded under Section 164 Cr.P.C. has candidly stated that she was in love with the appellant Akhilesh Kumar and performed marriage with him in the temple on 22.08.2018 and of her sweet will and she wants to live with her husband. Victim happens to be major as in the medical examination, the doctor has found the age of the victim between 18 to 19 years. Victim has not supported the occurrence of her kidnapping by the appellants. Appellants have no criminal antecedent and have been languishing in custody since 29.07.2019.

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



In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Supaul in connection with SC/ST Case No.71 of 2019, arising out of Triveniganj P.S. Case No. 332 of 2018.

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

(Prakash Chandra Jaiswal, J)

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