

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4171 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- PIRPAINTI District- Bhagalpur

NIRAJ KUMAR GUPTA @ NIRAJ DAS Son of Late Ram Chandra Das
Resident of Village- Bakharpur, P.S.- Pirpanti, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Shiv Prasad Paswan Resident of Village- Bakharpur,
P.S.- Bakharpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Usha Kumari 1

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

ORAL ORDER

2 01-10-2019 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 29.08.2019 passed by learned Addl. District and Sessions Judge cum Special Judge-III in Pirpanti P.S. Case No. 120 of 2019 registered under Sections 366A/34 of the Indian Penal Code and Section 3(X)(XII) of the SC/ST Act.

Minor daughter of the informant is said to have been kidnapped by the appellant while she had stepped out of the house for defecation.

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. As a matter of fact, victim was in love with the appellant and suo motu eloped with him. Victim in her statement recorded under Section 164 Cr.P.C. has stated that on the insistence of the appellant she eloped with him and went to Malda where she stayed for one and half month. Then they came to Bhagalpur and appellant left her there. Victim has neither made any allegation of her kidnapping by the appellant nor any misbehave nor sexual assault against her at the hand of the appellant. Appellant has no criminal antecedent.

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 Id. Addl. Sessions Judge cum Special Judge-III, Bhagalpur in connection with Pirpainti P.S. Case No. 120 of 2019, 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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