

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4230 of 2018

Arising Out of PS. Case No.-59 Year-2018 Thana- VENA District- Nalanda

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1. Krishana Kumar Jamadar @ Krishna Kumar son of Raghuni Jamadar @ RaghunandanJamadar.
 2. Nitish Kumar son of late Dinesh Prasad. Both resident of Village- Nathachak, Police Station- Ben, District- Nalanda.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar Singh
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 30-01-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated **22.09.2018** passed by learned **1st Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar Sharif** in connection with **Ben P.S. Case No. 59 of 2018** registered under Sections 366(A)/34 of the IPC and Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint dated 20.06.2018 has alleged that his daughter Mamta Kumari had gone to coaching institute on 31.05.2018 at about 7:00 am and thereafter did not return. It has been alleged that the Appellants used to teased her



earlier and have kidnapped her.

The statement of the victim girl has been recorded under Section 164 of the Cr.P.C in which she has supported the allegation made in FIR that on 31.05.2018 petitioner intoxicated her and she does not remember where she was kept. She has further stated that co-accused Sonu and Pappu brought her in Parwalpur and thereafter Vinay Singh called sonu that if the girl has been sold or not on which sonu told that he has not sold the girl then Vinay Singh asked him to drop the girl at Parwalpur and when she reached Parwalpur she gain consciousness and went to the police station where her parents were informed and she went with them.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case due to previous dispute between the parties. It has been further submitted that the son of the Informant has instituted a case against both the petitioners as detailed in para-3. Except said case appellants have clean antecedent. The girl was subjected to medical examination in which her age has been assessed between 17 to 18 years and there is no allegation made by her or in the medical report of any sexual assault against appellants. It has been further submitted that the whole story against the



appellants is false and concocted and they have not committed any offence. Appellants are school going students and are in their teens. Appellant no. 1 is in custody since 07.09.2018 and Appellant No. 2 is in custody since 12.09.2018.

Considering the aforesaid facts and circumstances of the case, let the appellants named above be released on bail upon furnishing bail bonds of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.
- (3) If the Appellants tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the



Appellants.

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

(S. Kumar, J)

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