

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5060 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- BIHPUR District- Bhagalpur

MANTU RAJAK S/o Pramod Rajak R/o Village- Bhawanipur, P.S.-
Bhawanipur (O.P.), District- Bhagalpur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh, Advocate

For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-12-2019 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

This appellant in this appeal is seeking to challenge the order dated 23.10.2019 passed by learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur in G.R. No. 120 of 2019 arising out of Bihpur (Bhawanipur) P.S. Case No. 268 of 2019 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal code and Sections 3(1), (R) (S)/3(2) (va) of the SC/ST (Prevention of Atrocities) Act whereby his prayer for regular bail has been rejected.

Learned counsel for the appellant submits that though the appellant is named in the FIR but in course of investigation name of the appellant has come as a friend of the co-accused Prince Kumar and it is alleged that he had been helping co-



accused Prince Kumar in developing friendship of Prince Kumar with the victim. There was love affairs between the victim girl and the co-accused Prince Kumar. It is further submitted that no one has seen the appellant in the company of Prince Kumar while he was taking away the victim girl. The appellant is in custody since 06.09.2019 having no criminal antecedent.

Learned Spl. P.P. has opposed the prayer for bail of the appellant.

Considering the facts and circumstances of the case wherein the name of this appellant has come in course of investigation as a friend of the co-accused Prince Kumar, the allegation is that the victim girl had been studying with the said Prince Kumar and it is the said Prince Kumar who has taken away the victim girl, it has come that she had developed love affair with said Prince Kumar and it is allegation against this appellant that he had been helping said Prince Kumar in developing the relationship with the victim girl but save and except this no material has come in course of investigation saying that this appellant had actively participated in taking away the victim girl or had been seen with said Prince Kumar while taking away the victim girl, in the nature of allegations



and there being no specific role attributed to the appellant save and except the allegation that he was in friendship with Prince Kumar and was helping him, at this stage when the appellant is in custody for more than three months and the investigation against him is complete and chargesheet is filed, let the impugned order dated dated 23.10.2019 passed by learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur in G.R. No. 120 of 2019 arising out of Bihpur (Bhavanipur) P.S. Case No. 268 of 2019 insofar as it relates to appellant be set aside.

Let the appellant above named be released on bail in in G.R. No. 120 of 2019 arising out of Bihpur (Bhavanipur) P.S. Case No. 268 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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