

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1130 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- KHODAWANDPUR District- Begusarai

DEEPAK KUMAR S/o Surendra Mahton Resident of Village-Bariyarpur
(West), P.S.-Khodabandpur, District-Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arjun Prasad
For the Respondent/s : Mr.Binay Krishna

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 08-06-2020 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 anticipatory bail by order dated 26.11.2019 passed by learned **Special Judge, SC/ST Act, Begusarai**, in connection with **Khodawandpur P.S. Case No. 166 of 2019** registered under Sections 366(A) of the IPC and Section 3(x)(xi) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that on 09.08.2019 at about 2:00 pm in the night he woke up and



found her daughter missing. He has further stated that few days ago he saw petitioner roaming near his house and raised suspicion on petitioner that petitioner would have allured/enticed her daughter with wrong intention. He and his family members were searching for her daughter and when he reached near the house of Vithal Mahto, he asked about the whereabouts of her daughter from the petitioner and other FIR named accused, present there, on account of which they started abusing and misbehaving and thereafter Deepak Kumar took her daughter out from the house of Vithal Mahto and forcibly took her on motorcycle and after much search she could not be traced.

Learned counsel for the appellant submits that appellant is innocent and has been falsely implicated in this case due to dirty village politics. This case is counter blast of Complaint Case No. 127 of 2019. There is no any independent witness who has deposed about the wandering of the appellant near the house of the Informant. Appellant has got no criminal antecedent and is in custody since 10.12.2019.

Considering the aforesaid facts and circumstances of the case, let the Appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- each 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) Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the Appellant tampers 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 Appellant.

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

(S. Kumar, J)

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