

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1291 of 2020**

Arising Out of PS. Case No.-23 Year-2019 Thana- MAHILA PS District- Jehanabad

SUJIT KUMAR S/o Ganesh Yadav R/o village- Khapura, P.S.- Kako,
District- Jehanabad

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad, Advocate

For the Respondent/s : Mr.Binay Krishna, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 06-07-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the parties.

The appellant has challenged impugned order dated
12.2.2020, passed by the Court below in a case filed for offence
punishable under section 376/34 and other allied sections of the
Indian Penal Code read with section 3 of the SC/ST Act.

Prosecution's case in short is that the appellant and
other accused persons, by administering some intoxicant,
kidnapped the 13 years old girl of the complainant.

It is submitted by learned counsel for the appellant
that the appellant has falsely been implicated in this case. He
submits that the case has been lodged after delay of nine days



without any explanation. It is also submitted that the victim in her section 164 Cr.P.C. statement, has not made any specific allegation against the petitioner, save and except that the petitioner was also present with co-accused persons including co-accused Ravi Kumar, against whom she has made specific allegation that it was he who closed her mouth with some intoxicants while kidnapping her. Appellant is in custody since 6.1.2020, though he has no criminal antecedent.

Taking into consideration the facts and circumstances of the case, the impugned order dated 12.2.2020 is set aside and the appeal is allowed.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I, Jehanabad in Mahila Police Station Case No. 23/2019, on the following conditions:-

(1) 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 on his absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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