

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1559 of 2020**

Arising Out of PS. Case No.-143 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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ARVIND KUMAR YADAV Son of Kameshwar Prasad Yadav Resident of
Village - Dwarikapur, P.S. - Sarairanjan, Distt. - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mukesh Kumar No1
For the Respondent/s : Mrs.Usha Kumari SPL.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 14-10-2020 Heard Mr. Mukesh Kumar No.1, learned counsel for

the petitioner and Mrs. Usha Kumari, learned Special Public

Prosecutor.

This appeal under Section 34 of the Scheduled Caste
and Scheduled Tribe (Prevention of Atrocities) Act, 1989 has
been filed challenging an order dated 01.05.2020 passed by
learned Special Judge (SC/ST Act) Samastipur in Samastipur
(M) P.S. Case No. 143 of 2020 registered for the offences
punishable under Sections 363 and 366 of the Indian Penal Code
and under Section 3(1)(r)(s) of the SC/ST Act whereby the
appellant's application for regular bail has been rejected.

The informant is mother of the victim and allegedly,
the victim, a minor was kidnapped by the persons named in the



F.I.R. after dragging her forcibly in a Bolero vehicle. She was however, recovered immediately thereafter as the vehicle was intercepted.

The statement of the victim has been recorded under Section 164 of the Cr.P.C., a copy of which has been brought on record by way of Annexure to this application.

Learned counsel for the appellant has referred to the orders of this Court dated 16.09.2020 passed in Cr. APP (SJ) No. 1455 of 2020 and 07.09.2020 passed in Cr. APP (SJ) No. 1450 of 2020, whereby, two other accused persons against whom, there is specific allegation of overt act, have been granted privilege of regular bail. The appellant's name has surfaced as the driver of the vehicle.

Be that as it may, since other accused persons have been granted privilege of regular bail, in my opinion, the impugned order requires interference. Accordingly, the impugned order dated 01.05.2020 passed by learned Special Judge (SC/ST Act) Samastipur is set aside.

This application is allowed.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of



learned Special Judge (SC/ST Act) Samastipur in connection with Samastipur (M) P.S. Case No. 143 of 2020.

It is indicated that defect, if any, shall be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of



social-distancing.

(Chakradhari Sharan Singh, J)

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