

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1677 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- MAHILA P.S District- West Champaran

BABUSAHEB SHUKL @ BABUSAHEB SHUKLA @ BABULAL
SHUKLA S/O Late Dasrath Shukla R/O Village - Karanmeya, P.S. - Bettiah
(Muffasil), District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey, Adv,
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-11-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State, through video
conferencing.

The instant appeal has been filed by the appellant against the order dated 15.6.2020 passed by the learned Additional District & Sessions Judge I-cum-Special Judge, West Champaran at Bettiah in connection with Bettiah (Sadar) Mahila P.S. Case No. 15 of 2019 registered under sections 366A of the Indian Penal Code and sections 3(1)(w)(i), (ii) and 3(2)(va) of the SC/ST Prevention of Atrocities Act and sections 12 and 17 of the POCSO Act was rejected.

As per allegation in the FIR, it is stated by the informant that his minor daughter was taken away by one Laddu



Kumar for the purpose of marriage. It is further submitted that on refusal of the accused persons to return his daughter, a Panchayati was held wherein this appellant participated and at his instance the minor daughter of the informant was sent to the house of the accused persons.

It is submitted by learned counsel for the appellant that in course of investigation a protest petition was filed by the informant wherein he has stated the allegations as levelled against the appellant to be false. It is further submitted that on investigation a final form was submitted not finding the case to be true against the appellant, however, the learned court below took cognizance, differing from the final form. The appellant is in custody since 3.6.2020.

The appeal is opposed by learned Spl. P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration that final form was submitted against the appellant and his being in custody since 3.6.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 15.6.2020 passed in Bettiah Sadar Mahila P.S. Case No. 15 of 2019 by the learned Additional District and Sessions Judge-I-cum-Special Judge, West Champaran at



Bettiah is set aside.

The appellant is directed to be enlarged on bail in connection with Bettiah Sadar Mahila P.S. Case No. 15 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge West Champaran at Bettiah.

(Partha Sarthy, J)

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