

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1613 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

SONU KUMAR RAI @ SONU RAI Son of Mahangu Rai @ Mahangu Yadav
Resident of Village - Chorma, P.S. - Bhagwanpur Hat, District - Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-11-2020 Heard learned counsel for the appellant and learned Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellant against the order dated 7.7.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Bhagwanpur Hat P.S. Case no. 45 of 2020 registered under sections 366, 366A and 34 of the Indian Penal Code and section 3(1)(r) of the SC/ST(POA) Act was rejected.

As per allegation in the FIR, it is stated by the informant that the minor daughter of the informant who had gone with the appellant for purchasing her books, did not return and on going to make enquiry at the appellant's place she was abused and threatened by the family members of the appellant.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and



concocted. The daughter of the appellant returned and her statement under section 164 Cr.P.C was recorded which has been brought on record as Annexure-2 to the petition. It is submitted that in her statement under section 164 Cr.P.C the daughter of the informant has categorically stated that she was not kidnapped, she had gone with the appellant out of her own volition and that on learning about a false case having been lodged by her family members, she has returned to give her statement. She further categorically states that she wants to go with the appellant. It is submitted that the appellant is in custody since 14.3.2020, the investigation in the case has concluded and the appellant has no criminal antecedent.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, especially the statement of the daughter of the informant under section 164 Cr.P.C, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 7.7.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Bhagwanpur Hat P.S. Case no. 45 of 2020 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Bhagwanpur Hat P.S. Case no. 45 of



2020 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Siwan.

(Partha Sarthy, J)

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