

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1575 of 2020

Arising Out of PS. Case No.-119 Year-2019 Thana- GAUNAHA District- West Champaran

NEYAJ HAWARI S/o Kadir Mian @ Kadir Miya Resident of Village-Lakad,
P.S-Lauriya, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr. Vinay Krishna, Sp. PP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 09-10-2020 The appellant has put to challenge an order dated 04.03.2020 passed by learned Additional Sessions Judge-1, cum Special Judge, West Champarran at Bettiah in Gaunaha P.S. case No. 119 of 2019, registered for the offence punishable under Section 366A of the Indian Penal Code and Sections 3(ii) (v) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby, his application for regular bail has been rejected.

The informant is the father of the victim. In the First Information Report, he has alleged that his minor daughter aged 14 years was found missing since 26.11.2019. Upon search he could learn that she had been kidnapped by the appellant for marrying her. The First Information Report was registered on 07.12.2019.



Learned counsel appearing on behalf of the appellant has drawn my attention to Annexure-2 to the present memo of appeal to contend that the age of the victim has been found to be between 19 to 20 years by the medical expert on her examination. She was examined on 10.12.2019.

Learned counsel for the appellant has also submitted that the statement of the victim has been recorded under Section 164 of the Cr.P.C, and that in her statement recorded by the police under Section 161 of the Cr.P.C, she has not supported the case of the prosecution of kidnapping her. He has submitted that no offence under Section 366A of the Indian Penal Code is made out on the basis of the facts available on record.

On perusal of the First Information Report, the report of the medical expert and the impugned order, I find substance in the submission made on behalf of the appellant, who is in custody since 09.12.2019.

The impugned order dated 04.03.2020, in my opinion, requires interference, which is, accordingly, set aside.

This appeal is allowed.

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



Additional Sessions Judge-I, cum Spl. Judge, West Champaran,
Bettiah in connection with Gaunaha P.S. Case No. 119 of 2019.

(Chakradhari Sharan Singh, J)

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