

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1943 of 2020**

Arising Out of PS. Case No.-24 Year-2020 Thana- BARHARA KOTHI District- Purnia

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RUPESH SAH S/O Bouku Sah @ Janardan Sah R/O Village - Parmanandpur,
P.S. - Bihariganj, District - Madhepura.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Pawan Kumar

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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

2 18-12-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 28.08.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in Barhara P.S. Case No. 24/2020 registered for the offences punishable under Sections 363/365 of the IPC and Section 364(A) of the IPC and later Section 3(2)(v) of the SC/ST Act have been added, whereby the prayer for anticipatory bail of appellant was rejected.

As per the prosecution case, on 20.01.2020, sister of the informant was abducted by her husband Pramod Sahi



along with 3-4 unknown persons on a four wheeler while she was going to her school.

It is submitted that appellant is not named in the FIR and the appellant has been roped in this case on the basis of confessional statement of co-accused Uday Yadav which has no evidentiary value. It is further submitted that even in the statement of the victim girl recorded under Section 164 of the Cr. P.C., she has not named the present appellant and the appellant has got clean antecedents as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 28.08.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in Barhara P.S. Case No. 24/2020 is set aside and appeal is allowed.

Accordingly, let the appellant, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with Barhara P.S.



Case No. 24/2020.

(Prabhat Kumar Singh, J)

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