

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4614 of 2019

Arising Out of PS. Case No.-183 Year-2019 Thana- RAFIGANJ District- Aurangabad

RAVI KUMAR @ RAVI GUPTA, aged about 30 years, Male, Son of Late Rameshwar Saw, Resident of Village- Gordiha at present Kasma Road Kranti Nagar, P.S- Rafiganj, District- Aurangabad ... Appellant

Versus

The State of Bihar ... Respondent

Appearance :

For the Appellant : Mr. Binod Murari Mishra, Adv.

For the Respondent : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 06-01-2020 Heard the learned counsel for the appellant and the learned Additional Public Prosecutor.

This criminal appeal is directed against the order, dated 05.09.2019, passed in A.B.P. No. 1068 of 2019 in connection with Rafiganj P.S. Case No. 183 of 2019, registered under Sections 366A/34 of the Indian Penal Code and 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer of the pre-arrest bail of the appellant was refused.

The accusation is that on 24.07.2019 the minor daughter of the informant, Pachho Kuer, had gone to Girls' High School, Rafiganj, Aurangabad, but, she did not return. In course of search, informant came to know that Pankaj Kumar, who use to reside at the house of his brother-in-law, Ravi Kumar, enticed away her minor daughter, in collusion with Ravi Kumar (appellant).

Learned counsel appearing for the petitioner submits that in fact allegation of enticing away the minor daughter of the



informant is against Pankaj Kumar, who is brother-in-law of the appellant, due to that reason appellant has falsely been implicated in this case mere on suspicion. More over, while the occurrence is said to be of 24.07.2019, but, the present case has been lodged on 02.08.2019.

Having regard to the facts and circumstances of the case, the impugned order, dated 05.09.2019, passed in A.B.P. No. 1068 of 2019, is set aside and the appeal is allowed.

Let the appellant, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Rafiganj P.S. Case No. 183 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge I-cum-Special Judge, Aurangabad, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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