

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5316 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- BIHPUR District- Bhagalpur

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Lalan Kumar Singh, Son of Late Brahmdeo Singh, Resident of Village -
Balaha, P.S.- Bhawanipur (O.P.), Distt - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 06-01-2020 Heard learned counsel for the parties.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been filed against the order dated 23.10.2019 passed in G.R. No. 120 of 2019, whereby the learned IIIst Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur, rejected the bail of the appellant in connection with Bihpur (Bhavanipur) P.S. Case No. 268 of 2019 for the offence punishable under Sections 363 and 366(A)/34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The persecution case is that on 01.08.2019, at 12 A.M., Manisha Kumari, daughter of informant, Sunil Kumar



Paswan, abed about 17 years, had gone to Mathurapur Bazar to purchase the books but she did not return and on search, no trace was found. Before somedays, Prince Kumar, who used to reside at the house of his maternal uncle Lalan Kumar Singh (appellant) at village Balsha, had made attempt to kidnap his daughter on 12.06.2019 and Prince Kumar was seen climbing on the boundary wall. At that time, Prince Kumar was caught hold by the villagers but on intervention of his maternal uncle (appellant), he was set free. The informant raised suspicion about kidnapping of his daughter by Prince Kumar with the help of Lalan Kumar Singh (appellant), Mithilesh Kumar and Mantu Rajak.

Learned counsel for the appellant submits that it would appear from the FIR that it is alleged about making attempt of kidnapping of daughter of the informant by Prince Kumar, nephew of the appellant, but the appellant has falsely been implicated in the present case. Further submission is that petitioner has no criminal antecedent and is in custody since 06.09.2019.

Accordingly, the impugned order dated 23.10.2019 passed in G.R. No. 120 of 2019 is set aside and this appeal stands allowed. Let the petitioner above named, is directed to 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 IIIst Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur, in connection with Bihpur (Bhavanipur) P.S. Case No. 268 of 2019. Out of two sureties, one surety must be the close relative of the appellant.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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