

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5240 of 2019**

Arising Out of PS. Case No.-99 Year-2019 Thana- BARHARIA District- Siwan

SATYENDRA MAHTO Son of Vikrama Mahato @ Vikrama Tatava Resident
of Village- Dhanaw Tola Kudiyapur, P.S.- Barharia, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Prakash Singh, Advocate.
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

4 22-05-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 27.08.2019 passed by the learned 1st Addl. Sessions Judge cum Special Judge, Siwan in Barharia P.S. Case No. 99 of 2019 registered under Sections 363 and 366A/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant and others is of kidnapping to the minor daughter of the informant with intent to marry with her.



Victim girl stated before the police that she had voluntarily gone with the petitioner and had voluntarily married with him. However, before the Magistrate, she stated that she was forcefully taken by the named accused persons and the petitioner was pressurizing for marriage.

Considering the nature of material available and the fact that the petitioner has got no criminal antecedent, he is in custody since 11.07.2019 and investigation of the case is already complete, let the appellant, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.



If the appellant would not be able in furnishing sureties due to lock-down, he shall be provisionally released on his personal bond and the provisional bail shall be confirmed only after production of the bailors within fifteen days of restoration of normal function of the Court.

(Birendra Kumar, J)

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