

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5485 of 2019

Arising Out of PS. Case No.-678 Year-2019 Thana- SARAIYA District- Muzaffarpur

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CHHOTE LAL MAHTO @ CHHOTU MAHTO aged about 30 years, male,
Son of late Kappal Mahto @ Kapildeo Mahto Resident of Village - Gijarsh
Siswaniya, P.S.- Saraiya (Jaintpur O.P.), Distt - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Parasmani

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 22-05-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the parties.

The present matter relates to grant of bail to the
appellant in Saraiya (Jaintpur O.P) P.S. Case No. 678 of 2019,
G.R. No. 274 of 2019, registered for the offence under Sections
341, 342, 323, 366, 363, 365 of the Indian Penal Code and
Section 3(i)(r)(s) of SC/ST Act.

As per prosecution case, the daughter of the informant
had gone to see Dashahara Mela on 07-10-2019, but she did not
return. Thereafter, on 09-10-2019, the informant got an
information that his co-villager Chotelal Mahto (appellant), who
is already married, had kidnapped his daughter. It is further
alleged in the FIR that the appellant had forcibly taken his



daughter to his house and put vermilion over her head.

It is submitted on behalf of appellant that appellant is innocent and has falsely been implicated in this case. There is no allegation of sexual assault against the appellant. There is also no allegation of either abusing or calling by caste name of the informant and as such, no case under SC/ST Act is made out against the appellant. It is further submitted that the victim, who is 19 years old in her statement recorded under Section 164 of the Cr.P.C., has not named the appellant or made any allegation against the appellant that he has assaulted her or married her. The appellant is in custody since 10-10-2019, having no criminal antecedent.

In view of aforesaid facts and circumstances, the criminal appeal is allowed.

Let the appellant 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 learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Saraiya (Jaintpur O.P) P.S. Case No. 678 of 2019, G.R. No. 274 of 2019.

(Prabhat Kumar Singh, J.)

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