

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1735 of 2021

Arising Out of PS. Case No.-314 Year-2018 Thana- SURSAND District- Sitamarhi

RANJEET SAH SON OF RAMPRIT SAH RESIDENT OF VILLAGE-
TURKAULIYA, P.S.- SURSAND, DISTRICT- SITAMARHI

... .. Appellant/

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Virendra Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-04-2021 Heard learned counsel for the appellant and the learned
Special P.P. for the State.

This Court would expect that the appellant's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

The appellant has preferred the present appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of his prayer for regular bail, vide order dated 19.1.2021 passed by the learned Additional Sessions Judge, VI -cum- Special Judge, SC/ST Act, Sitamarhi, in connection with Sursand P.S. Case No. 314 of 2018 instituted for the offence under Sections 363, 366A, 372/34 of the Indian Penal Code, and Section 3(2)(v) of the SC/ST Act, and also for setting aside the aforesaid order dated 19.1.2021.

There is allegation in the FIR that the minor daughter (16 years) of the informant had gone out for some purchases but did not return. On search it transpired that the appellant has taken away his daughter on his motorcycle. The informant went to the house of the



appellant where he was abused and driven away and he was told that his daughter has been taken with the intent of selling.

Learned Counsel for the appellant submits that entire prosecution case stands belied by the deposition of the alleged victim girl under Section 164 Cr.P.C., copy of which is Annexure 2 to the instant appeal, wherein the Court has assessed the victim to be 18 years old and she herself has claimed to be 19 years old. She has stated about solemnising marriage with the instant appellant on her own volition and that she is also now carrying pregnancy out of the wedlock. Under such circumstances the Court also released the alleged victim to reside with the instant appellant as per Annexure 3 of the appeal. The appellant under such circumstances is in custody since 8.12.2020.

Learned Special P.P. has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellant, above named, 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 the learned Additional Sessions Judge, VI, -cum- Special Judge, (SC/ST Act), Sitamarhi in connection with Sursand P.S. Case No. 314 of 2018.

In the result, the appeal is allowed and the impugned order dated 19.1.2021 is set aside.

(Madhuresh Prasad, J)

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