

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2622 of 2021**

Arising Out of PS. Case No.-61 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Manish Yadav Son of Arjun Yadav @ Arjun Prasad R/o Village- Gaya, P.S.
Bodh Gaya, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Adv.
For the Respondent/s : Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 24-06-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 22.3.2021 passed by the learned Special Judge, SC/ST Act whereby the prayer for bail of the appellant in connection with Magadh Medical P.S. Case No. 61 of 2021 registered under sections 366A, 34, 504 and 506 of the Indian Penal Code and section 3(2)(v)(a) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., the minor daughter of the informant disappeared and it transpired that she had been taken away by the appellant. It is further stated that the appellant abused the informant in the name of his caste and stated that he



would not return his daughter.

It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. The statement of the daughter of the informant was recorded under section 164 Cr.P.C. which is Annexure-2 to the petition. Referring to the same it is submitted that the informant's daughter aged about 18 years old has categorically stated therein that on being thrown out of her house by her parents she voluntarily went to the appellant and married him out of her own volition. She is in the family way. The appellant is in custody since 17.2.2021 and has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, especially the contents of the statement under section 164 Cr.P.C. of the daughter of the informant, the Court is inclined to allow the appeal. The appeal is allowed and the order dated 22.3.2021 passed by the learned Special Judge, SC/ST Act, is set aside.

The appellant is directed to be enlarged on bail in connection with Magadh Medical P.S. Case No. 61 of 2021 on



furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of the
learned Exclusive Special Judge, SC/ST Act, Gaya.

(Partha Sarthy, J)

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