

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1770 of 2020**

Arising Out of PS. Case No.-53 Year-2020 Thana- KURTHA District- Jehanabad

VIKASH KUMAR Son of Budhan Yadav @ Butan Singh Resident of
Village- Chamandi, P.S.- Kurtha, Dist- Arwal

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nitya Nand Neeraj, Advocate
For the Respondent/s : Mr.

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

3 06-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 9.6.2020 passed by the learned Addl. Sessions Judge Ist, Jehanabad whereby the prayer for bail of the appellant in connection with Spl. SC/ST no. 30/2020 (arising out of Kurtha P.S. Case no. 53 of 2020) registered under sections 366(A) and 34 of the Indian Penal Code and section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the FIR, the 16 year old daughter of the informant was taken from her home by one Lakshminiya Devi and did not return. On enquiry the informant was informed that the appellant and others had taken away her daughter.

It is submitted by learned counsel for the appellant that the daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. which is Annexure 2 to the petition. It is submitted that from perusal of the said



statement it would transpire that the 16 year old daughter had gone out of her own free will and had returned home. No allegation of misbehavior has been made by her against this appellant. The appellant is in custody since 20.5.2020 and charge sheet in the case has already been submitted.

The appeal is opposed by learned Spl. PP appearing for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the statement under section 164 Cr.P.C and the appellant being in custody since 20.5.2020, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 9.6.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Spl. SC/ST no. 30/2020 (arising out of Kurtha P.S. Case no. 53 of 2020) 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 Addl. District and Sessions Judge Ist, Jehanabad.

(Partha Sarthy, J)

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