

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1917 of 2020**

Arising Out of PS. Case No.-195 Year-2019 Thana- BHAGWANPUR District- Begusarai

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GAGAN MAHTO, Son of Shankar Mahto Resident of Village - Lakhanpur,
P.S. - Bhagwanpur, District - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Braj Bhushan Poddar, Advocate.

For the Respondent/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 12-03-2021 Let the defects be removed within four weeks.

Heard learned counsel for 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 08.07.2020 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai in Bhagwanpur P.S. Case No. 195 of 2019 registered under Section 366A/34 of the Indian Penal Code and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is of commission of kidnapping to the minor daughter of the informant. Though the



victim has alleged that she was kidnapped by the appellant, however there is material contradiction in the statement of the victim regarding the place where the appellant left her as well as statement of the police regarding place of recovery of the victim which are quite distinct and different place. Moreover the victim has not alleged anything more against the appellant nor she made any protest or alarm when she was even amongst the public. Appellant is in custody since 21.02.2020. Investigation of the case is already complete.

Considering the entire facts aforesaid, 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.

(Birendra Kumar, J)

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