

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.209 of 2021**

Arising Out of PS. Case No.-226 Year-2019 Thana- RAMPUR District- Gaya

ANKIT KUMAR GUPTA @ ANKIT KUMAR Son of Mukesh Kumar Gupta
Resident of Village - Mohalla- Nadraganj Lalo Mill Gali, P.S.- Civil Linbes,
Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha
For the Respondent/s : Mr. Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 16-08-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants submits that the
limitation, as pointed out by the office, be condoned in the light
of the order dated 08.03.2021, passed by the Hon'ble Apex
Court, in Suo Motu Writ Petition (Civil) No. 03 of 2020.

Considering the submissions made on behalf of
learned counsel for the appellants, the limitation, as pointed out
by the office, is condoned.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellant has challenged the order dated



17.03.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 74/2020 in connection with Rampur P.S. Case No. 226/2019 registered for the offences under sections 364(A) of Indian Penal Code and 3(x) of SC/ST Act whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons including the appellant abducted the daughter of the informant.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The victim has been recovered and on recovery, her statement under section 164 Cr.P.C. has been recorded in which she has denied the allegation made in the F.I.R. She has not supported the allegation made in the F.I.R. and states that she has left the house out of her own will. Annexure-2 is the statement of the victim under section 164 Cr.P.C. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the



appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 17.03.2020 passed by learned Exclusive Special Judge, SC/ST, Gaya in ABP No. 74/2020 in connection with Rampur P.S. Case No. 226/2019, is set aside.

The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Rampur P.S. Case No. 226/2019.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

