

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.51 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- BAIRIYA District- West Champaran

AFASAR YADAV, Son of Sukhal Yadav Resident of Village - Laukaria, P.S.-
Bairiya, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arjun Prasad
For the Respondent/s : Ms Usha Kumari

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 28-10-2021 Heard learned counsel for the appellant and learned
counsel for the State.

Learned counsel for the appellant is directed to
remove all the defects pointed out by the Stamp Reporter
within one month.

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 by
order dated 25.09.2020, passed by learned Additional District
and Sessions Judge, VIIth-cum-Special Judge (POCSO) Act,
Bettiah, West Champaran, in connection with Bairiya P.S. Case
No.160 of 2020, registered under Sections 363, 366A/34 of the
Indian Penal Code and Section 3(i)(r)(V) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per allegation, the son of the present appellant as well and the appellant came to the house of the informant and kidnapped his daughter.

The learned counsel for the appellant has submitted that the victim was recovered during the course of investigation and the I.O. has furnished a petition to the Court below mentioning therein that the daughter of informant is not ready to go with her parents and the parents of the girl have also furnished application that they are not ready to take their daughter to their home. The xerox copy of certified copy of the petition furnished by the I.O. has been annexed with the record as Annexure-2.

Annexue-2 shows that the victim girl is not ready to go with their parents and the parents themselves are not ready to keep their daughter with them, as such, prima facie the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out.

In these circumstances, the appeal is allowed and the impugned order dated 25.09.2020 is set aside.

Let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of

four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned learned Additional District and Sessions Judge, VIIth-cum-Special Judge (POCSO) Act, Bettiah, West Champaran, in connection with Bairiya P.S. Case No.160 of 2020.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para 2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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