

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3956 of 2021

Arising Out of PS. Case No.-176 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Ashok Rai S/O Late Rama Rai R/o village- Mehsari, P.S.- Ujiyarpur, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhimanyu Sharma, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, SPP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-12-2021 Though the learned counsel for the informant has appeared through Vakalatnama but today nobody appears on behalf of the informant.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 18.08.2021 passed by learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 176 of 2021 registered under Sections 366A/34 of the Indian Penal Code and Sections 3 (2) (Va), 3 (1)(r), 3(1)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case as lodged by the informant is that the daughter of the informant went to attend the call of nature outside of the house but she did not return. It is alleged that appellant along with other accused persons have kidnapped her minor daughter.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this case. He submits that the victim has not even whisper against the appellant in her statement recorded under Section 164 Cr.P.C. He submits that there is specific allegation upon Birendra, Rajesh and Arpit. He further submits that appellant is languishing in judicial custody since 14.07.2021.

Learned Spl. PP for the State opposes the prayer for bail and fairly submits that the victim has not taken the name of the appellant in her statement recorded under Section 164 Cr.P.C.

Considering the facts and circumstances of the case, the above named appellant, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions



Judge-1st-cum-Special Judge, SC/ST (POA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 176 of 2021.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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