

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 385 of 2021**

Arising Out of PS. Case No.-167 Year-2020 Thana- AAJAM NAGAR District- Katihar

AMAR KUMAR Son of Late Jagdeo Sharma R/O- Budhelmani, P.S.-
Azamnagar, Distt. - Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr Binay Krishna, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-02-2021

Heard learned counsel for the appellant and the learned Special PP for the State.

2 The appellant has preferred the present Appeal under Section 14 - A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, *SC/ST Act*) against the refusal of his prayer for regular bail vide order dated 24.09.2020 passed by Additional Sessions Judge I -cum- Special Judge, Katihar in a case registered under Sections 366A, 120B of Indian Penal Code and Sections 3 (i) (r) (s)/3 (2) of SC/ST Act in connection with Azamnagar Police Station (for brevity, *PS*) Case No 167 of 2020.

3 The prosecution case is that the informant's daughter has been abducted by the named accused persons including the appellant. They have abused the informant by caste. It is also alleged that she was wearing ornaments which also have been taken away.

4 Appellant's counsel submits that the appellant has no criminal antecedent. In fact, the daughter of the informant has



solemnized marriage with one Govind Sharma. The marriage certificate is enclosed as Annexure 2. The implication of the appellant is only on the basis of suspicion and on extraneous considerations. During course of investigation also, none has supported the prosecution case. The appellant is in custody since 25.08.2020.

5 Learned Special PP has opposed the prayer for bail.

6 Considering the rival submissions, this appeal is allowed. The impugned order dated 24.09.2020 passed by Additional Sessions Judge I -cum- Special Judge, Katihar in connection with Azamnagar PS Case No 167 of 2020 is set aside.

7 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Katihar in Azamnagar Police Station Case No 167 of 2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.02.2021
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