

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 893 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

CHANDAN KUMAR Son of Shailendra Chouhan Resident of Village-
Bathansher, P.S.- Nimchak Bathani, Distt- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr Sanjeev Kumar, Advocate

For the Respondent/s : Ms Usha Kumari, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-05-2021

In view of sudden surge of COVID – 19 infection, there is limited functioning of the Court and, therefore, the matter has been listed today for consideration through Virtual Mode.

2 Heard learned counsel for the appellants and the learned Special PP for the State.

3 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 23.11.2020 passed in BP No 326 of 2020 by Exclusive Special Judge, SC/ST Act, Gaya in a case registered under Section 363A of Indian Penal Code and Sections 3 (i) (r) (s) of SC/ST Act in



connection with Nimchak Bathani Police Station (for brevity, *PS*)
Case No 183 of 2020.

4 The first information report alleges that the informant's minor daughter has been enticed away by the appellant and his family members and she has been confined at Dharampur.

5 Appellants' counsel submits that allegations are false. The doctor has opined the age of the victim to be 15 years old. In her statement recorded under Section 164 of Criminal Procedure Code, the victim has stated her age to be 18 years and has falsified the entire prosecution case as she has submitted that she, on her own volition, had gone with the appellant. She has further stated about the friendly relationship with the appellant since at least one year prior to the date on which she left with the appellant. The appellant is also stated to be about 18 years old at the time of the alleged occurrence and is in custody since 21.09.2020. He has no criminal antecedents.

6 Learned Special PP for the State has opposed the prayer for bail.

7 In my opinion, a case for grant of regular bail is made out. The impugned order dated 23.11.2020 passed in BP No 326 of 2020 requires interference by this Court, which is, accordingly, set aside.



8 Considering the rival submissions, this appeal is allowed. The impugned order dated 23.11.2020 passed by Exclusive Special Judge, SC/ST Act, Gaya in BP No 326 of 2020 arising out of Nimchak Bathani PS Case No 183 of 2020 is set aside.

9 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 Exclusive Special Judge, SC/ST Act, Gaya in Nimchak Bathani PS Case No 183 of 2020 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant 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	
Transmission Date	

