

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1417 of 2021

Arising Out of PS. Case No.-412 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Mrityunjay Kumar Son Of Hira Mahto R/O Vill- Manoharpur, P.S.- Birupur,
District Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parmanand Pd. Nr. Sahi, Adv.

For the Respondent/s : Mrs. Usha Kumari, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-04-2021 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 09.10.2020 passed by learned Additional Sessions Judge 1st -cum-Special Judge, SC/ST, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 412 of 2017 registered under Sections 366(A), 120(B) of the Indian Penal Code, Section 8 of the POCSO Act and Section 3 (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant is that he is said to have kidnapped the daughter of the informant. It is alleged that when the informant asked about her daughter, he started abusing



with calling caste name.

It is submitted by learned counsel for the appellant that appellant are innocent and has been falsely implicated in this case. He submits that this is not a case of abduction whereas daughter of the informant fled away with the appellant with her own sweet will. During investigation, the girl has come back and her statement under Section 161 of the Cr.P.C. has been recorded by the police in which she has stated that she went with the appellant with her own will and were residing with husband. He submits that age of the victim is 18-19 years as assessed by the doctor in the medical report. He further submits that appellant bear no criminal antecedent as stated in para-3 of this petition and he is languishing in judicial custody since 08.09.2020.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the fact that victim in her statement under 164 of the Cr.P.C. before the learned Magistrate has supported the prosecution story, I am not inclined to enlarge the appellant on bail. Accordingly, his prayer for bail is rejected in connection with Lakhisarai (Kabaiya) P.S. Case No. 412 of 2017 pending before the court of the learned Additional



Sessions Judge 1st-cum-Special Judge, S.C./S.T. Act,
Lakhisarai.

Accordingly, the appeal is dismissed.

(Anjani Kumar Sharan, J)

devendra/-

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

