

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.282 of 2022**

Arising Out of PS. Case No.-124 Year-2021 Thana- NOWKOTHI GARHPURA District-  
Begusarai

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Gunjan Kumar Son Of Jawahar Singh R/O Village- Nawkothi, Tola Reuta,  
Old Durga Sthan, P.S.- Nawkothi, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi Wife Of Sukan Rajak R/O Village- Purvi Dafarpur Ward No.-08,  
P.S.- Naokothi, District- Begusarai

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sandip Kumar Gautam, Advocate.

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

3      08-09-2022                      Learned counsel for the Appellant is permitted to  
  
remove defect(s), as pointed out by the office, if any, within a  
  
period of four weeks from today.

Heard Mr. Sandip Kumar Gautam, learned counsel for  
the Appellant as well as 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 referred to as the “SC/ST  
Act”) against the refusal of prayer for bail vide order dated  
16.11.2021 passed by the learned Special Judge, Schedule  
Caste/Schedule Tribe (Prevention of Atrocities Act) Begusarai



in connection with Nawkothi P. S. Case No. 124 of 2021 registered for the offences punishable under Sections 366A, 504, 506, 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

As per the prosecution case, it is alleged that the daughter of the informant, aged about 14 years left her house without informing to anyone and she did not return to her house. The informant tried her best to find out her daughter but could not succeed. In the mean time, she came to know that the petitioner enticed and took away her minor daughter for the purposes of marriage.

Learned counsel appearing on behalf of the Appellant submitted that from the tenor of the F.I.R., it is evident that the daughter of the informant was found missing on 09.08.2021 but surprisingly, the present F.I.R. has been instituted on 03.09.2021 without assigning any reason of delay. It is next submitted that the during the course of investigation, the girl was apprehended and thereafter, her statement was recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that due to she being rebuked at the hands of her maternal uncle, she left her house in anger and she went to Saharsa along with one lady and thereafter, having spent some



time, she voluntarily returned to her house. She did not even take the name of the appellant or said about the complicity of the appellant. It is next submitted that the girl has refused to get herself examined by the doctor, however, her age has been assessed between 15 to 16 years. It is last submitted that the appellant having fair antecedent, is in custody since 16.11.2021.

On the other hand, learned Special Public Prosecutor for the State opposes the bail application and submits that other witnesses have supported the prosecution case.

Regard being had to the statement of the victim recorded under Section 164 of the Cr.P.C. coupled with the period of incarceration, having fair antecedent, let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities Act) Begusarai in connection with Nawkothe P. S. Case No. 124 of 2021, subject to the condition that one of the bailors will be the close relative of the appellant with further conditions which are as follows:-

- (i) The appellant will cooperate in conclusion of the trial.



- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

In view of the aforesaid fact, the impugned order dated 16.11.2021 is hereby set aside and the present appeal is allowed.

**(Harish Kumar, J)**

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