

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1735 of 2022**

Arising Out of PS. Case No.-100 Year-2022 Thana- SURYAGARHA District- Lakhisarai

SHARWAN KUMAR, Son of Shankar Sharma Resident of village - Gadi Maheshpur, P.s.- Piri Bazar, Distt.- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dr. Satyendra Kumar Srivastava, Advocate Mr. Pankaj Kumar, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 22-09-2022

Heard learned counsel for the appellant and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 25.04.2022 passed by the learned 1st Additional District and Session Judge-cum-Special Judge, Lakhisarai in connection with Suryagarha P.S. Case No. 100 of 2022 registered for the alleged offences under Sections 366A and 34 of the Indian Penal Code and Sections 3(i) (r) (s), 3(2)(v-a) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the informant registered the F.I.R. alleging that the appellant kidnapped her minor daughter giving her inducement for marriage.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. For an occurrence dated 12.03.2022, the F.I.R has been registered on 01.04.2022 which creates doubt over the prosecution case. The victim girl has got registered her statement under Section 164 Cr.P.C. wherein she has not whispered anything about this appellant. Rather she has stated that she herself left her house and went to the house of one of her friends and coming to know about the case filed against the appellant, she returned home herself. Charge sheet has been submitted in this case and the appellant is in custody since 05.04.2022.

Learned Special Public Prosecutor for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the statement made by the victim girl before the learned Judicial Magistrate which absolves the appellant, the appellant above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned 1st Additional District & Session Judge-cum-Special Judge, Lakhisarai in connection with Suryagarha P.S. Case No. 100 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellant will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

Gautam/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.09.2022
Transmission Date	26.09.2022

