

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1924 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- CIVIL LINE District- Gaya

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1. Gudiya Devi wife of Pinku Prasad Resident of Mohalla- Mahadeoghat, P.S.- Kotwali, District - Gaya.
 2. Pinku Prasad Son of MOhan Prasad Resident of Mohalla- Mahadeoghat, P.S.- Kotwali, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Baby Devi Wife of Jeetu Rajak Resident of Ramna road, P.S.- Civil Line Dist Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Singh, Advocate.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-10-2022 Learned counsel for the appellants is permitted to re-move the defect(s), as pointed out by the office, within a period of four weeks from today

Heard Ranjan Kumar Singh, learned counsel appearing on behalf of the appellants and learned Spl. PP for the State.

Despite valid service of notice upon respondent No.2, none appears.

The present appeal under Section 14(A) (2) of the Schedule Caste/Schedule Tribe, Prevention of Atrocities Act, (hereinafter referred to as 'SC/ST Act') has been preferred against the order dated 29.04.2022 passed by learned Exclusive



Special Judge, SC/ST, Gaya, in connection with Civil Line P.S. Case no. 155 of 2022, registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(1) of the SC/ST Act, whereby the prayer for grant of regular bail of the appellants have been rejected.

The prosecution case is based on the fardbayan of the informant alleging therein that her daughter Chhoti Kumari, aged about 13 years and Kavita Kumari, aged about 9 years, found trace-less from her house since 02.04.2022. It is also alleged that her daughter used to visit the house of the appellants, wherein four to five boys used to roam there regularly. The informant suspected kidnapping of her daughters.

Learned counsel for the appellants submits that, it would be evident that specific allegation has been leveled against co-accused Suraj Kumar and Chandan Kumar, that they were lastly seen together with the victim girls. He further submitted that save and except the allegation that the victims frequently used to visit the house of the appellants, there is no material. During the course of investigation the victims have been recovered and their statement have been recorded under Section 164 of Cr.P.C., wherein save and except the allegation of instigation and making available the train ticket, there is no material.



He also submitted that victim girls were not recovered from the possession of the appellants. He last submitted that appellant are in custody since 05.04.2022, having fair antecedents and moreover, the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand, learned Special P.P. for the State opposed the bail application and submitted that from the materials available on record the complicity of the appellants cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victims, recorded under Section 164 of Cr.P.C., wherein they complained only about the instigation made by the appellants, apart from the fair antecedent of the appellants and period of incarceration, let the appellants, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya, in connection with Civil Line P.S. Case no. 155 of 2022, subject to the condition that one of the bailors will be the close relatives of the appellants with further conditions which are as follows:-

(i) The appellants will cooperate in conclusion of the



trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

Accordingly the impugned order dated 29.04.2022 is hereby set aside and the present appeal stands allowed.

(Harish Kumar, J)

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