

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3145 of 2021**

Arising Out of PS. Case No.-80 Year-2021 Thana- HARSIDHI District- East Champaran

Amit Kumar Son Of Narendra Singh Resident of Village - Ghoghraha
Bairiyadih, P.S.- Harsidhi, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sabita Devi Wife of Laddu Hajra Resident of village- Bairiyadih Goghraha,
P.S. - Harsidhi, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 31-01-2022 Heard learned counsel for the appellant and learned
Special P.P. for the State virtual court proceedings.

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 of bail vide order dated 17.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Harsidhi P.S. Case No.80 of 2021, registered under Sections 366, 368, 120B of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

By order dated 23.11.2021, notice had been issued to



respondent no.2. The office points out that respondent no.2 has appeared through Vakalatnama, but nobody appears today on behalf of respondent no.2

The appellant and his family members are said to have kidnapped the daughter of the informant for the purpose of marriage.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that the matter has been compromised between the parties vide Annexure-2 of the memo of appeal. It is also submitted that all the disputes were amicably settled. The victim girl and the appellant solemnized marriage. It is also submitted that the appellant is in custody since 28.04.2021. It is lastly submitted that the appellant has got no criminal antecedent as stated in para 3 of the memo of appeal.

Learned Special P.P. for the State opposed the prayer for bail of the appellant.

Taking into consideration the fact that the victim girl and the appellant solemnized marriage, the order dated 17.06.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in Harsidhi P.S. Case No.80 of 2021 is set aside. The



appeal is allowed.

Let appellant, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No.80 of 2021.

(Anjani Kumar Sharan, J.)

Sanjay/-

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