

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2240 of 2022**

Arising Out of PS. Case No.-26 Year-2021 Thana- FATUA District- Patna

Pintu Kumar @ Pintu Yadav Son Of Karu Yadav @ Vishwanath Yadav @
Viswanath Prasad Resident Of Village- Bhagwanpur , P.S- Fatuha, Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rudal Chaudhary son of Bisun Dayal Chaudhary resident of village-
Bhagwanpur, P.S.- Fatuha, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 03-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present criminal appeal has been filed against
order dated 07.06.2022 passed by Exclusive Special Court,
S.C./S.T. Act, Patna in connection with special case 01.03.2021
arising out of Fatuha P.S. 26/2021, lodged under section 341,
342, 323, 364, 365, 504, 506, 34 I.P.C. and section 3(2) (v)
SC/ST Prevention of atrocities Act, 1989.

As per the prosecution case, the informant has
narrated that his son was returning on 08.01.2021 in the

meantime, the named accused persons including the petitioner, have surrounded the informant's son and started assaulting him. Informant has narrated that his son informed in this regard to his mobile number. When the informant reached there, they all started assaulting to the informant also. He further stated that the sons of Lala Gope and Karu Yadav forcefully went on bike with the son of the informant. The Cause of event has been narrated in the F.I.R. is that, they all have done these things with a view to withdraw the case filed by the informant.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that petitioner is in custody since 16.05.2022 having clean antecedent. He also submits that the alleged kidnapped victim was recovered, who has stated his statement under section 164 Cr.P.C. before the learned magistrate in which, he narrated the name of the petitioner, that with a view to put pressure for the withdrawal of the case, which was filed relating to rape of her sister, they have kidnapped the victim.

Learned counsel for the appellant submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. He further submits that, no offence under Section S.C./S.T. had made out against him.

Notices have been issued in this case to the respondent number 2, who appeared through *vakalatnama*. His *vakalatnama* is on record but on call, he has not appeared today before the court.

Learned Spl.P.P. opposes the prayer for bail of the appellant and submits that this appellant does not deserve bail and order passed by the Special Judge for State is to be constrained. Due to the reason that the name of appellant may not be directly named in the F.I.R. but being the son of Karu Yadav, he was identified by the informant as well as the alleged victim when returned back. He also alleged the name of the appellant by name that he is involved in the kidnapping.

Considering the above facts and circumstances and the materials available, I am not inclined to allow this appeal and therefore this appeal is hereby dismissed.

However, the appellant shall be at liberty to renew his prayer for bail afresh only 2 months after framing of charge.

(Dr. Anshuman, J.)

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