

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3574 of 2021

Arising Out of PS. Case No.-50 Year-2021 Thana- BELSAND District- Sitamarhi

Kamlesh Kumar Son of Laxman Rai Resident of Village - Bhandari, P.S.-
Belsand, Dist.- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Shambhu Ram R/o Village - Bhodha, Tola - Gausnagar,
Ward No.- 14, P.S.- Belsand, Dist.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Namrata Mishra, Adv.

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 24-01-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceeding.

Vide order date 30.11.2021, notice was issued to the
newly added respondent no. 2. From perusal of the office note,
it appears that notice has been validly served upon the
respondent no. 2, but nobody appears on behalf of the
respondent no. 2.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 01.07.2021, passed by
learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST



(POA) Act, Sitamarhi in connection with Belsand P.S. Case No. 50 of 2021, registered under Sections 363, 366A of the IPC and Sections 3(2) (v) of SC/ST Act.

Appellant is said to have abducted the daughter of the informant when she went to fetch vegetables from their field.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. He submits that the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she went to her grandmother's house with the petitioner willingly and that nobody had taken her forcibly. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal and he is languishing in judicial custody since 20.05.2021.

Learned Spl. PP for the State opposes the prayer for bail and submits that the victim is the minor girls.

Considering the facts and circumstances of the case, the above named appellant, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Belsand P.S. Case No. 50 of 2021.



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

(Anjani Kumar Sharan, J)

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