

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3656 of 2021**

Arising Out of PS. Case No.-264 Year-2021 Thana- PATLIPUTRA District- Patna

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Mukesh Jaiswal @ Mukesh Kumar Jaiswal S/O Braj Bhushan Prasad Jaiswal @ Braj Bhushan Agrawal Resident of Village - Pakaridayal (Near Cinema Hall), P.S. - Pakaridayal, District - East Champaran. presently R/O Mohalla - Plate No. 305, Ashirvad Ram Niwash Apartment, Neharu nagar Patliputra, P.S. - Patliputra, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prasant Varma Labour Enforcement Officer, Patna Sadar Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
	:	Mr. Umanath Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 23-11-2022 Heard learned counsel appearing on behalf of
appellant, respondent No.2 and Spl.P.P.

This appeal has been against the order dated 10.08.2021 passed by learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Patna in connection with Patliputra P.S. Case No. 264 of 2021, registered under Sections 370, 374 and other allied sections of the Indian Penal Code, Sections 79, 81, 84 of The Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 3(i)(h) of SC/ST (POA) Act, 1989, whereby the prayer for anticipatory bail of appellants has been rejected.



As per FIR, upon raid, minor daughter of Bachchu Das was found engaged in the household work for Rs. 1000/- per month from the house of this appellant.

Learned counsel for the appellant denies the prosecution and submits that, as a matter of fact, victim along with her father, Bachchu Das, came to the house of the appellant for her skin treatment. It is further submitted that after knowing the present case, father of the victim filed application before learned Spl. Judge SC/ST on 11.08.2021 stating that his daughter was never kidnapped nor exploited by any person nor engaged in any kind of work. Father of the victim categorically stated that his daughter was taken by him for her treatment in Patna and after that she stayed at the house of the appellant as he is neighbour of his native village which is supported by Annexure-3. Lastly, it is submitted that victim does not fall under the category of Scheduled Caste and as such no offence under Section 3(i)(h) of SC/ST Act for which no case is made out under SC/ST Act. Appellant has got clean antecedent.

Considering the facts and circumstances of the case, let the appellants, as named above, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna in connection with Patliputra P.S. Case No. 264 of 2021.

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

(Prabhat Kumar Singh, J)

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