

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.514 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- PALIGANJ District- Patna

RAVI KUMAR S/O ANTU RAI Resident of Village- Naga Tola Goraiya
Asthan, P.S.- Maner, District- Patna. Appellant/s

Versus

1. The State of Bihar
2. SHIVNATH DAS S/O LATE LALDEO MOCHI Resident of Village-
Bherharia English, P.S.- Paliganj, District- Patna. Respondent/s

Appearance :

For the Appellant/s : Mrs. Usha Kumari Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 08-09-2023 Heard the parties.

2. This appeal is directed against the judgment dated 16.12.2022 passed by the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 114 of 2022 arising out of Paliganj P.S. Case No. 303 of 2022 registered for the offences under section 363 of the Indian Penal Code and section 3(i)(r)(s) of the SC/ST Atrocities Act whereby and whereunder prayer for regular bail of the appellant has been rejected.

3. As per the prosecution story, the daughter of the informant went for tuition but failed to return. Upon suspicion, the house of the appellant was raided and both the appellant as well as the victim girl were found there. Accordingly, he was arrested on 15.07.2022 (as stated in paragraph 4 of the petition) and is in jail since then.

4. The victim girl in her statement has shown her



willingness to live with the appellant herein which has been provided in sealed cover by the Sub-ordinate Court.

5. In this case, notices was issued by the earlier bench on 03.05.2023 and 23.06.2023 to the respondent no. 2. As per the office report, the notices have been validly served.

6. It is the case of the appellant that they were in relationship, the girl was major, she wants to live with the appellant and he has already suffered by being in custody since 15.07.2022.

7. Mrs. Usha Kumari No. 1, learned Spl. P.P. submits that as per the allegation, the girl was minor and was recovered from the house of the appellant.

8. Taking into account the submissions put forward by the parties, the materials on record as well as the statement of the victim girl, this Court is inclined to extend him relief.

9. The order dated 16.12.2022 passed by the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 114 of 2022 arising out of Paliganj P.S. Case No. 303 of 2022 is set aside.

10. The appeal is allowed.

11. Let the appellant be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two



sureties of like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna in connection with Special Case No. 114 of 2022 arising out of Paliganj P.S. Case No. 303 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the appellant who shall provide official document to show his *bona fide*;

(ii) the appellant shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the appellant shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the appellant shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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