

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.659 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- JANTA BAZAR District- Saran

JAI PRAKASH SINGH SON OF LATE LAL BAHADUR SINGH R/O
VILLAGE- NAJIRGANJ, P.S.- JANTA BAZAR, DISTRICT- SARAN AT
CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. PUNAM DEVI WIFE OF SUNIL SAH R/O VILLAGE- NAJIRGANJ, P.S.-
JANTA BAZAR, DISTRICT- SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar, Adv.
For the Respondent/s : Mrs. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 28-04-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special P.P. for the State.

This is an appeal under Section 14 (A) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 08.12.2022 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST Act, Saran at Chapra, in connection with Janta Bazar P.S. Case No.182/2022, F.I.R. dated 25.09.2022 registered under Sections 363, 366, 366A, 323, 504, 506, 34 of the Indian Penal Code and Section 3(i)(r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to FIR, when the minor daughter of the



informant went to attend the call of nature, co-accused namely Ankit Kumar Singh abducted her with an intention to perform marriage with her. It is alleged the appellant is also involved in the said occurrence. The appellant and his wife also abused the informant and her husband by calling their caste name.

Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case merely on the basis that the appellant is father of co-accused namely Ankit Kumar. He further submits that in fact, the victim and son of appellant was in love and the victim was suo moto appeared and her statement under Section 164 Cr.P.C. was recorded, in which, she has not stated anything about the appellant and the police, after investigation, submitted charge sheet against the appellant and the appellant is in custody since 27.09.2022.

Learned counsel for the informant and learned Spl. P.P. for the State have vehemently opposed the prayer for bail of the appellant.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-SC/ST Special Judge, Saran at Chapra, in



connection with Janta Bazar P.S. Case No.182/2022,with the following conditions:-

(1) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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