

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.842 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- MANIGACHI District- Darbhanga

Md. Ketaul @ Kitab Ali S/O Late Md. Salim @ Salim Hajam R/V- Piathan Kabai, P.S.- Manigachi (Nehra Op), District- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindeshwar Paswan S/O Ram Bilas Paswan R/V- Piathan Kabai, P.S.- Manigachi (Nehra Op), District- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Iqbal Asif Niazi
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

The instant appeal has been filed by the appellant against the order dated 20.12.2022 passed by learned 3rd Additional Sessions Judge-cum Exclusive Special Judge SC/ST(POA) Act, Darbhanga in connection with Manigachhi P.S. Case no. 257 of 2022 under Sections 363 and 34 of the Indian Penal Code and sections 3(i)(r), 3(i)(s) of SC/ST (POA) Act was rejected.



The prosecution case in short, is that, the appellant illegally deals in alcohol. It is further alleged that he had lured the wife of the informant with money and induced her to sell alcohol and also he had illicit relation with the informant's wife. It is also alleged that the appellant along with some other persons entered the house of the informant and abducted three minor girl and one minor son and abused the informant by his caste name and also threatened that his wife had taken excess money in alcohol business. Thereafter, the appellant took away all the informant's children and told to sell his children if he does not return the money.

It is submitted by learned counsel for the appellant that a Matrimonial dispute is going on between the informant and his wife rather the appellant being Sarpanch has good relation with the informant's wife due to which he has falsely been implicated in this case. The appellant has not taken the caste name of the informant in public view and he has no intention to disgrace the image of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. It is further submitted that the allegation levelled against the appellant is false as the FIR has been lodged after the delay of 20 days without given any



plausible explanation. It is also submitted that the children of the informant were recovered and their statements were recorded under Section 164 of the Cr.P.C., in which, it was found that they were giving contradictory statements because at the time the appellant is alleged to be present with the abducted children of the informant in Delhi, their mother was also present with them. So, the allegation against the appellant of abduction of the informant's children is fabricated and baseless. Moreover, the appellant is languishing in judicial custody since 03.12.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and considering the custody of the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 20.12.2022. passed in connection with Manigachhi P.S. Case No. 257 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Manigachhi P.S. Case No. 257 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of



the learned 3rd Additional Sessions Judge-cum-Exclusive
Special Judge SC/ST (POA) Act, Darbhanga.

(Sunil Kumar Panwar, J)

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