

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1822 of 2023**

Arising Out of PS. Case No.-213 Year-2022 Thana- BIRPUR District- Supaul

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DHIRAJ KUMAR @ DHIRJA KUMAR MEHTA @ FEKU MEHTA Son of
Dukhi Lal Mehta R/V- Hindolwa, PO- Birpur, PS- Birpur Dist- Supaul

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjay Kumar Singh
For the Respondent/s : Mr. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

6 30-11-2023 Though notice has been issued to o.p. No. 2, no one
has turned to assist the court.

Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant
against the order dated 22.11.2022 passed by learned 1st
Additional District and Sessions Judge, Supaul whereby the
prayer for bail of the appellant in connection with Birpur P.S.
Case no. 213 of 2022 under Section 323, 504, 364, 366,
120(B)/34 of the Indian Penal Code and sections 3(i)(r)(s) of the
SC/ST Act was rejected.

As per allegation in the FIR, appellant took away
forcefully to the daughter-in-law of the informant by
motorcycle.



It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. It is highly improbable that in presence of villagers, appellant took away the victim lady forcefully. There is delay of 23 days in lodging the FIR, which creates doubt in authentication of the prosecution story. It is mentioned in para-4 of the supplementary affidavit that she left her house willingly due to regular quarrel with her mother-in-law and she has stated this fact in her deposition, which is annexed as Annexure-2 to the supplementary affidavit. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. He has got no criminal antecedent and languishing in judicial custody since 12.09.2022.

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

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 22.11.2022 passed in Birpur PS Case No. 213 of 2022 is hereby set aside.



The appellant is directed to be enlarged on bail in connection with Birpur PS Case No. 213 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 1st Additional District and Session Judge, Supaul.

(Sunil Kumar Panwar, J)

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