

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3559 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- MASHRAK District- Saran

Uma Singh S/O Late Asarfi Singh R/O Village- Badaki Semari, Ps. Mashrakh,
Dist. Saran Chhapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Bijanti Devi W/O Hiralal Ram R/O Village- Badki Semari, Ps. Mashrakh,
Dist. Saran At Chhapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yashraj Bardhan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-10-2023 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 20.02.2023 passed by learned Exclusive Court, SC/ST-cum-ADJ-III, Saran at Chhapra whereby the prayer for bail of the appellant in connection with Mashrakh P.S. Case no. 69 of 2023 under Sections 363, 366A of the Indian Penal Code and sections 3(1) r, s, 3 (2)va of SC/ST Act was rejected.

Allegation against the appellant along with other co-accused person is that they abducted the daughter of the informant for the purpose of marriage.



It is submitted by learned counsel for the appellant that appellants has been falsely implicated in this case due to village politics. He has not taken the caste name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against him. Nothing specific allegation has been levelled against the appellant rather the specific allegation of abduction of the informant's daughter is against the main co-accused, Abhishek Kumar who is the son of the appellant. It is further submitted from para-7 of this petition that the victim has given her statement under Section 164 of the Cr.P.C. in which she has not whispered any complicity of the appellant in this case and she further stated that she performed marriage with the appellant's son out of her own sweet will. A statement has been made in para-3 of this petition that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 13.03.2023.

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 20.02.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Mashrakh P.S. Case 69 of 2023 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 Exclusive Court, SC/ST-cum-ADJ, III, Saran at Chhapra.

(Sunil Kumar Panwar, J)

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