

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3247 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- NARHATT District- Nawada

SHRI CHAUHAN Son of LATE BALDEO CHAUHAN Resident of Village-
Babhaur, Beldari, Police Station- Narhat, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. MAHESH RAM NANKU RAM Resident of Village- Hasapur, P.S.-Narhat,
District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Birendra Kumar
For the Respondent no.1	:	Mr. Binay Krishna
For the Respondent no.2	:	None

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-01-2023 Despite valid service of notice nobody is present on

behalf of the Respondent No. 2/Informant.

Heard Ld. counsel for the appellant and Ld. Special

Public Prosecutor for the State.

This criminal appeal has been filed to enlarge the

appellant on bail, impugning the order dated 22.08.2022,

passed by the Ld. Exclusive Special Judge SC/ST (P.O.A)

Act, Nawada, in connection with Narhat P.S. Case No. 82 of

2022, registered for the offences punishable under Sections

366 (A) of the I.P.C. and 3 (I) (r) (s) of SC/ST (P.O.A.) Act,

whereby bail has been denied to the appellant.



The prosecution case as emerging from the FIR is that on 20.03.2022 at 06:00 PM the daughter of the informant went to attend the call of nature. After one hour, when his daughter did not return at home, the informant started searching his daughter. Thereafter, the daughter-in-law of the informant told the informant that Sudhir Kumar has enticed away his daughter. When the informant and his family members went to the house of Sudhir Kumar for complaining, the appellant and his wife was abused by taking their caste name.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that he refers to statement of the alleged victim as recorded under Section 164 of Cr. P.C. As per which she has completely denied of any occurrence as alleged in the F.I.R. She has clearly stated that on 20.03.2022 she had gone to Mumbai on her own sweet-will. She does not allege anything against the appellant, namely, Sudhir Kumar.

He further submits that the appellant has been



languishing in jail since 26.02.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and vehemently opposes the prayer of the appellant for bail.

Considering the aforesaid facts and circumstances, particularly the statement of the alleged victim as recorded under Section 164 Cr. P.C, **the appeal is allowed**, setting aside the impugned order dated 22.08.2022, passed by Ld. Exclusive Special Judge SC/ST (P.O.A) Act, Nawada, and directing the appellant to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge SC/ST (P.O.A) Act, Nawada, in connection with Narhat P.S. Case No. 82 of 2022, on the following conditions:



(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the



appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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