

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3817 of 2023**

Arising Out of PS. Case No.-940 Year-2021 Thana- SITAMARHI District- Sitamarhi

1. Nawal Kishor Singh S/O Late Jagarnath Singh Resident Of Ward No. 5, P.O.- Siswa Patna, Ps. Kesariya, Chakiya, Dist. East Champaran, Motihari, Bhar-845432
2. Kanak Devi W/O Nawal Kishor Singh Resident Of Ward No. 5, P.O.- Siswa Patna, Ps. Kesariya, Chakiya, Dist. East Champaran, Motihari, Bhar-845432

... .. Appellant/s

Versus

1. The State of Bihar
2. YASHODA DEVI W/O VISHWANATH PASWAN RESIDENT OF WARD NO. 14, CAKMAHILA CHOWK, RING BAUDH PS. AND P.O. SITAMARHI, DIST. SITAMARHI, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akshay Ashish

For the Respondent/s : Mrs.Usha Kumari 1

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

2 16-10-2023 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 19.07.2023 passed by learned 1st Addl. Sessions Judge-cum-Spl. Judge Sc/ST (POA) Act, Sitamarhi whereby the prayer for bail of the appellant in connection with Sitamarhi P.S. Case no. 940 of 2021 under Sections 363, 366(A), 341, 323, 504/34 of the Indian Penal Code and sections 3(i)(r)(s) of SC/ST Act was rejected.

It is a case of abduction of the minor daughter of the



informant by the accused persons including the appellant for a purpose of marriage.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. After recovery of the victim girl, her statement was recorded u/s 164 Cr.P.C. in which she has not whispered about the complicity of the appellant rather she has clearly stated that out of her own sweet will, she had solemnized marriage with Yashwant Kumar, son of the appellant. No offence is made out under the provisions of the SC/ST Act against him. He has got no criminal antecedent and languishing in judicial custody since 28.6.2023.

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 19.07.2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sitamarhi PS Case No. 940 of 2021 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 Sessions Judge-cum-Spl. Judge,
SC/ST (POA) Act, Sitamarhi.

(Sunil Kumar Panwar, J)

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