

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.460 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- ISLAMPUR District- Nalanda

KAROO KUMAR S/O RAJAN PRASAD R/O VILLAGE- CHANDAPUR,
P.S- TELHARA, DISTT.- NALANDA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PINTU DEVI W/O SHAKTI KUMAR PASWAN R/O VILLAGE- KEUR,
P.S- HULASGANJ, DISTT.- JEHANABAD.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Sudish Kumar
For the Resp/State	:	Mr. Binay Krishna
For Resp.No.2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellant and learned

Special P.P. for of the State. Despite valid service of notice,

nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated
03.11.2023 passed by learned A.D.J. 6th cum Special Judge,
SC/ST Court, Nalanda, Bihar Sharif in connection with Islampur
P.S. Case No. 412 of 2023, registered under Sections 366(A)/ 34
of the Indian Penal Code and Section 3(1)(r)(s)/3(2)(v) of
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act (for short “SC/ST Act”), whereby the prayer for
anticipatory bail of appellant has been rejected.

3. As per prosecution case, all the F.I.R. named accused
persons including this appellant kidnapped the minor daughter
of informant for the purpose of marriage.



4. Learned counsel for the appellant submits that during investigation, the victim in her statement recorded under Section 164 Cr.P.C., has denied the factum of kidnapping and has stated that she has married with this appellant in a temple. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor opposes the appeal.

6. Considering the statement of the victim recorded under Section 164 Cr.P.C. and the fact that appellant has got clean antecedent, the impugned order dated 03.11.2023 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 6th cum Special Judge, SC/ST Court, Nalanda, Bihar Sharif in connection with Islampur P.S. Case No. 412 of 2023.

(Prabhat Kumar Singh, J)

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