

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1029 of 2024

Arising Out of PS. Case No.-788 Year-2023 Thana- PURNEA SADAR District- Purnia

Md. Ishaq @ Md. Ishak Son Of Kappa Tulla @ Kavetulla Resident Of Loua
Ghat, P.S. - Sadar (Muffasil), District - Purnea

... .. Appellant/s

Versus

1. The State Of Bihar
2. Suman Kumari Daughter Of Santlal Paswan Resident Of Satdob, P.S. -
Sadar (Muffasil), District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhola Prasad, Advocate
For the Respondent/s : Mr. Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 23-04-2024 Let the defect(s) as pointed out by the Stamp
Reporter be ignored.

2. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

3. The instant appeal has been filed by the appellants
against the orders dated 18.01.2024 passed by learned Special
Judge, (SC/ST) Act, Purnea in connection with Sadar Muffasil
P.S. Case No. 788 of 2023 registered under Sections 366, 420,
120(B), 504 and 506 of the IPC and Sections 3(1)(r)(s) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act by which the prayer for bail of the appellant was
rejected.



4. As per the allegation, it is a case of kidnapping the daughter of the informant on the pretext of marriage by the petitioner and accused persons.

5. It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in this case. He next submits that the statement of the victim girl recorded under Section 164 of the Cr.P.C. before the learned Magistrate states that both the petitioner and the victim are major and they were living together and sexual relation since long time as stated in the compromise petition and the compromise petition has been filed before the court below, chargesheet has already been submitted. Appellant has got clean antecedent as stated in para-3 of the petition and he is in custody since 23.09.2023.

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

7. On perusal of the entire case diary and other materials available on record, it appears that the appellant and victim are major. So, I am inclined to grant bail to the appellants.

8. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.



9. Accordingly, the appeal is allowed and the impugned order dated 18.01.2024 is hereby set aside.

10. The appellant is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Court below / concerned Court in connection with Sadar (Muffasil) P.S. Case No. 788 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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