

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3524 of 2023

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

Abhishek Kumar Singh S/O Uma Singh R/O Village- Badaki Semari, Ps. Mashrakh, Dist. Saran At 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

5 01-02-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 28.06.2023 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 and 366A of the Indian Penal Code and sections 3(1) r, s, 3(2) (va) of SC/ST Act was rejected.

3. Allegation against the appellant is that he abducted the daughter of the informant for the purpose of



solemnization of marriage.

4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. 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. It is further submitted from para-7 of this petition that the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she stated that she out of her own sweet will, went out from her house with this appellant and solemnized marriage with him in a temple. She further stated that she is aged about 18 years. 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 23.03.2023.

5. Learned counsel for the informant stated that good sense has been prevailed between both the parties.

6. Having heard learned counsel for the parties and considering the aforesaid facts of this case, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 28.06.2023 is hereby set aside.

7. The appellant is directed to be enlarged on bail



in connection with Mashrakh P.S. Case No. 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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