

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3617 of 2024**

Arising Out of PS. Case No.-110 Year-2024 Thana- AMDABAD District- Katihar

Amarjeet Kumar Chaudhary @ Sonu Choudhary Son of Sudhir Chaudhary
R/o Gopalpur, P.S.- Amdabad, Distt.- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheela Devi W/o Sanjeev Kumar Das R/o Gopalpur, P.S.- Amdabad, Distt.- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Bimal Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-10-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State, learned counsel for the informant and perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 09.07.2024 passed by learned Additional District and Sessions Judge cum Special Judge, SC/ST Act, Katihar whereby the prayer for bail of the appellant in connection with G.R No. 3015 of 2024 arising out of Amdabad P.S. Case No. 110 of 2024 under Sections 366A, 504, 506, 120B of the Indian Penal Code and 3(i)(r)(s)w of SC/ST Act was rejected.

3. The prosecution case, in short, is that this appellant



along with his associate kidnapped the daughter of the informant. It is further alleged that when the informant and her family members went to the house of the appellant in search of the victim, the accused persons kicked them out from their house.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view, hence, no offence under the provisions of SC/ST Act is made out against him. Learned counsel further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has stated that there was love affair between the appellant and the victim and she has left her house on her own free will. Learned counsel, therefore, contended that no material of Section 366A of the Indian Penal Code is made out against the appellant. The appellant is in custody since 20.06.2024 and has no criminal antecedent.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Considering the aforesaid facts and circumstances



of the case as well as taking into account the statement of the victim recorded under Section 164 of the Cr.P.C. as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09.07.2024 passed by learned Additional District and Sessions Judge cum Special Judge, SC/ST Act, Katihar in connection with G.R No. 3015 of 2024 arising out of Amdabad P.S. Case No. 110 of 2024 is, hereby, set aside.

7. Let the appellant, abovenamed, be released 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 G.R No. 3015 of 2024 arising out of Amdabad P.S. Case No. 110 of 2024.

8. The appeal stands allowed.

(Rudra Prakash Mishra, J)

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