

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3875 of 2023

Arising Out of PS. Case No.-372 Year-2022 Thana- SIDHWALIYA District- Gopalganj

Atiur Rahman @ Attiurrahaman Son Of Shekh Afzal @ Afjal Hussain
Resident Of Village - Gaaj Bahuwari, P.S. - Palanwa, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Phulena Ram Dighal Ram R/V-Sikatiya, P.S.- Sidhwaliya, Dist- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kumari Anupam
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 25-01-2024 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 06.02.2023 passed by learned Additional District and Sessions Judge III-cum-Special Judge, SC/ST, Gopalganj whereby the prayer for bail of the appellant in connection with Sidhwaliya P.S. Case no. 372 of 2022 under Sections 362, 366(A) of the Indian Penal Code and sections 3(2)(va) of SC/ST Act was rejected.

3. Prosecution case in nutshell is that



informant's daughter did not return after call of nature. During the course of search, informant came to know that appellant has abducted her 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. Victim has been recovered and she has not whispered about the complicity of appellant in her abduction, in her statement recorded under Section 164 of Cr.P.C. She has stated that she eloped with the appellant with her own sweet will. Moreover, the appellant is languishing in judicial custody since 28.10.2022. A statement has been made in para 3 of the appeal that appellant has no criminal antecedent.

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

6. 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 06.02.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Sidhwaliya P.S. Case No. 372 of 2022 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 Additional Sessions Judge III-cum-Special Judge, Gopalganj.

(Sunil Kumar Panwar, J)

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