

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3794 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- LADANIA District- Madhubani

Raghunath Kamat S/O Late Gangai Kamat R/O- Donbari, P.S - Ladaniya,
District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmila Devi W/O Arun Kumar Ram R/O Village- Donbari, P.S- Ladaniya,
Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP
For the Respondent	:	Mr. Ravi Prakash, Advocate

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

ORAL ORDER

3 14-11-2024 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant. Perused the case diary.

2. The instant appeal has been filed by the appellant

against the order dated 31-07-2024 passed by Ist Additional

Sessions Judge-cum-Special Judge, Madhubani, whereby the

prayer for bail of the appellant in connection with Ladaniya P.S.

Case No. 122 of 2024 instituted under Sections 363, 366A, 323,

341, 504, 506 & 34 of the Indian Penal Code (for brevity ‘the

IPC’) and Sections 3(1)(r)(s)/2(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that minor daughter of

the informant was taken away by the son of the appellant for the



purpose of marriage.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Appellant is the father of the main accused against whom there is allegation of kidnapping. There is no specific allegation against the appellant, rather allegation is general and omnibus in nature. Appellant has no concern with the alleged occurrence. 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. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 15-07-2024 and having one 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. It is submitted that victim has not been recovered till date. Charge sheet has been submitted in this case, which fact finds mention at paragraph No. 124 of the case diary.

6. Considering the aforesaid facts and circumstances of the case, there being no direct allegation against the appellant and the period of custody undergone by the appellant, this Court



is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 31-07-2024 passed by Ist Additional Sessions Judge-cum-Special Judge, Madhubani is hereby set aside.

7. Let the appellant 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 Ladaniya P.S. Case No. 122 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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