

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3961 of 2023

Arising Out of PS. Case No.-138 Year-2015 Thana- KHAJEKALA District- Patna

Amar Mahto @ Rohit Kumar Son Of Ashok Kumar @ Ashok Mahto Resident
Of Village- Mogalpura, Ps- Khajekala, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Garo Das Son Of Late China Das Resident Of Village- Mogalpura, Ps-
Khajekala, Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhimanyu Deo
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 08-02-2024 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

2. The instant appeal has been filed by the

appellant against the order dated 01.07.2023 passed by

learned Special Judge, SC/ST Act, Patna whereby the prayer

for bail of the appellant in connection with Khajekala P.S.

Case no. 138 of 2015 (Special Case No. 251 of 2021) under

Sections 363, 366(A)/34 of the Indian Penal Code and

sections 3(2)(v) of SC/ST Act was rejected.

3. It is a case of abduction of minor daughter of

the informant by the appellant along with other co-accused



person.

4. It is submitted by learned counsel for the appellant that appellant is innocent and has committed no offence. He has been falsely implicated in this case. The statement of victim girl was recorded u/s 164 of the Cr.P.C. in which she has stated that this appellant along with co-accused Ranjit Kumar taken away her to U.P. in the house of his sister and kept her 2-3 days but he did not do any wrong with her. She has not stated about any sexual assault or physical misbehave against the appellant. It is further submitted that the victim girl recorded her statement after six years from the date of occurrence. 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. The appellant has got no criminal antecedent and languishing in judicial custody since 29.04.2023. Similarly situated co-accused Ranjit Kumar has been granted bail vide order dated 04.01.2024, passed in Cr. Misc. No. 3511 of 2023 by this Court.

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 01.07.2023 is hereby set aside.

7.The appellant is directed to be enlarged on bail in connection with Khajekala P.S. Case No. 138 of 2015 (Special Case No. 251 of 2021) 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 Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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