

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4357 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

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1. KALI DEVI @ KAILI DEVI W/o- PANKAJ PASWAN Village- Mall Mohanpur Ps- Goradih Dist- Bhagalpur
 2. Pankaj Paswan son of Dulli Paswan Village- Mall Mohanpur Ps- Goradih Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Panchanand Das son of Sri Thakur Das Village- Mall Mohanpur Ps- Goradih Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Swapnil Kumar Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

10 02-08-2024 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 07.08.2023 passed by learned Additional Sessions Judge-III-cum-Special Judge,(SC & ST) Act, Bhagalpur whereby the prayer for bail of the appellant in connection with Jagdishpur (Goradih) P.S. Case no. 159 of 2023 under Sections 366, 370, 120B/34 of the Indian Penal Code and Section 3(2)(v) of SC/ST Act was rejected.

3. As per prosecution case, while the informant along with his wife had gone outside for his treatment. In the



meantime, his daughter went at Goradih from her house and since then she was traceless. On 07.03.2023, a phone call has come from his daughter from Rajasthan that the accused persons as mentioned in the F.I.R. have sold her in Rs. 2,00,000/-.

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. He has not taken the caste name of the informant in public view. Hence, no offence is made out under the provisions of the SC/ST Act against him. There is no specific allegation against the appellant. The appellant has got no criminal antecedent and he is languishing in judicial custody since 21.07.2023.

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

6. From perusal of the F.I.R. and impugned order dated 07.08.2023, it appears that the occurrence before three months ago but the F.I.R. registered on 07.04.2023. During course of investigation as well as in impugned order, the victim girl has been recovered and her statement was recorded u/s 164 of Cr.P.C. wherein she has not stated about any misbehave or sexual assault with her by the accused persons whereas she living with accused persons since three months. Considering the



facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 07.08.2023 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 the learned Additional Sessions Judge-III-cum-Special Judge (SC & ST) Act, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case no. 159 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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