

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 5069 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- JANTA BAZAR District- Saran

DHUMAN KUMAR @ RITIK KUMAR S/O OM PRAKASH PRASAD
VILLAGE- LAHLADPUR, PS. JANTA BAZAR, DIST. SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakchhamina Devi W/O Hareram Chaudhary Village- Lahladpur, Ps. Janta Bazar, Dist. Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binay Kumar Singh, Adv
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 04-07-2024 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 21.09.2023 passed by the learned Special Judge, SC/ST Act, Saran in connection with Janta Bazar P.S. Case No. 133/2023 registered for the offence/s punishable u/ss 3363, 366, 366A, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(s) (w)/ 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the appellant and the



co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per the FIR, no member of the public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. It is submitted that there is no eye-witness of the occurrence alleging to the fact that the petitioner participated in the occurrence to kidnap the victim. Learned counsel has submitted that the victim denied to be medically examined which is apparent from para. 37 of the case diary. As per the statement recorded under Section 164 of the Cr.P.C. she went to Delhi and Haryana with the appellant on her own will. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 18.08.2023.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated



21.09.2023 passed by the learned Special Judge, SC/ST Act, Saran in connection with Janta Bazar P.S. Case No. 133/2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Saran in connection with Janta Bazar P.S. Case No. 133/2023.

(Chandra Prakash Singh, J)

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