

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5316 of 2023

Arising Out of PS. Case No.-657 Year-2022 Thana- DHAKA District- East Champaran

Suman Kumar Kushwaha @ Suman Prasad Kushwaha @ Sumar Kumar Son
Of Sikandar Prasad Kushwaha @ Sikindar Prasad R/O Village- Karsahiya,
P.S.- Dhaka, Dist.- East Champaran At Motihari

... .. Appellant/S

Versus

1. The State Of Bihar Patna
2. Shobha Devi Wife Of Mishri Lal Baitha R/O Village- Karsahiya, P.S.-
Dhaka, Dist.- East Champaran At Motihari

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 19.10.2023, passed in a case registered for the offence punishable under sections 363, 364, 120B, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for bail of the appellant has been rejected.

3. As per F.I.R, it is alleged that this appellant along with other co-accused persons kidnapped the minor daughter of the informant and also threatened son of the informant with country made pistol.

4. It is submitted on behalf of the appellant that he has been falsely implicated in this case . The victim in her



statement recorded under Section 164 Cr.P.C has specifically alleged that it was co-accused Arvind Kushwaha who took away her at Naurangia and other places and has not stated anything wrong against this appellant. The only allegation against this appellant is that while the victim had gone to call her mother then this appellant was present there along with other co-accused persons. It is further submitted that there is no allegation of sexual assault against this appellant. There is no allegation of abuse by caste name against the appellant and as such, no case under SC/ST Act is made out. Appellant claims clean antecedent. He is in custody since 01.10.2023.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this appellant only and the impugned order is set aside. Let the appellant, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/St, East Champaran at Motihari, in connection with Dhaka Police Station Case No. 657 of 2022.

(Prabhat Kumar Singh, J)

Koushik/Ankit-

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