

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5721 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- PHULPARAS District- Madhubani

Sanjay Thakur S/o- Sanichar Thakur @ Shinichar Thakur Village- Hulaspatti
P.S. - Phulparas District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranjan Devi W/O- Bhikhri Das Vill- Hulaspatti, P.S. Phulparas, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhas Ranjan, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 25-04-2024 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. The instant appeal has been filed by the appellant against the order dated 12.10.2023 passed by learned Additional Sessions Judge - 1st - cum- Special Judge, Madhubani in G.R. No. 100 of 2023 arising out of Phulparas P.S. Case No. 403 of 2022 registered under Sections 363, 366(A), 305, 201 and 120B of the IPC and Section 3(2)(v), 3(2)(va) of the SC/ST Act.

3. Allegation against the appellant along with other co-accused person is to have taken away the minor daughter of the informant.



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. He 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 is in custody since 19.05.2023.

5. On perusal of the FIR, case diary and impugned order dated 12.10.2023, it appears that on the basis of fardbeyan of the informant FIR was registered against 11 accused persons including the present appellant. It appears that the accused persons who are named in the FIR as stated by the informant that when the condition of the victim was deteriorated the accused person including the appellant took the victim to hospital for treatment and after treatment brought her to her house on 19.08.2022 at 10 O' clock in the night and FIR was registered on 20.08.2022.

6. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal.

8. Accordingly, the appeal is allowed and order dated



12.10.2023 passed by learned Additional Sessions Judge-1st -
cum- Special Judge, Madhubani is hereby set aside.

9. 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 Phulparas P.S. Case No.
403 of 2022.

(Ramesh Chand Malviya, J)

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