

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3616 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- MAJHAULIA District- West Champaran

Arun Kumar son of Raj Kumar Prasad Village- Ahwar Sheikh W.No-6,
Shukhalahi Po Ps- Majhauria Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Bipin Das Son of Sheo Das R/O Vill Ahwar Sheikh Ward no -06 , PS
Majhauria, Dist West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Sharvesh Kashyap
		Mr. Deepak Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 06-02-2025 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, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 11.07.2024 passed by the learned Additional Session Judge-1st-cum-Special Judge SC/ST, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 132 of 2024 dated 20.02.2024 registered for the offence/s punishable u/ss 366 read with Section 34 of the Indian Penal Code and Sections 3(i)(r)(s)



(w), 3(ii)(va) of SC/ST Act.

3. As per the prosecution case, the petitioner and the co-accused person alleged to have abducted the informant's daughter for the purpose of marriage.

4. Learned counsel for the appellant has submitted that the appellant is innocent and has falsely been implicated in this case due to ulterior motive. The victim is a major girl who knows the consequence of the act of the appellant. The statement of victim recorded under Section 161 of the Cr.P.C. has stated that she had gone to Patna at her own will and she was not kidnapped. There is no allegation of abusing against the appellant and hence, no offence under the provisions of SC/ST Act is made out against the appellant. It is further submitted that a compromise has taken place between both the parties. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 25.06.2024.

5. Learned counsel 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 11.07.2024 passed by the learned Additional Session Judge-1st-



cum-Special Judge SC/ST, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 132 of 2024 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 Additional Session Judge-1st-cum-Special Judge SC/ST, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 132 of 2024.

(Chandra Prakash Singh, J)

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