

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3693 of 2024

Arising Out of PS. Case No.-366 Year-2022 Thana- MAHISHI District- Saharsa

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Pappu Kumar @ Pappu Yadav Son of Thako Yadav Resident of Village -
Rakathi Ward No.-2 P.S. -Mahishi, District - Saharsa

... .. Appellant/s

Versus

1. The State of Bihar
2. Shaili Devi Wife of Rajo Ram Resident of Village - Rakathi, P.S. -Mahishi,
District - Saharsa

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhav Jha, Adv.

For the Respondent/s : Mr. Usha Kumari 1, APP

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

ORAL ORDER

4 06-02-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. As per the office notes dated 23.01.2025, notice has
been taken by the respondent no.2, hence, notice upon
respondent no. 2 deemed to be validly served despite that none
appeared on behalf of the informant.

3. 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
09.05.2024 passed by the learned Additional Sessions Judge-
1st-cum-Special Judge, SC/ST (POA) Act, Saharsa in



connection with Mahishi P.S. Case No. 366 of 2022 dated 21.12.2022 registered for the offence/s punishable u/ss 363 and 365 and later Section 302, 120B, 201 read with Section 34 of the Indian Penal Code was added and Sections 3(1)(r)(s), 3(2)(va), 3(2)(v) of SC/ST (POA) Act.

4. As per the prosecution case, unknown miscreant is alleged to have kidnapped the son of the informant.

5. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. The appellant is not named in the FIR. The name of the appellant has sprung up during the course of investigation. The occurrence took place on 17.02.2022 but the FIR was lodged on 21.12.2022 and there is no explanation for this delay. The appellant has no concern with the alleged offence. The appellant has no criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 29.12.2022.

6. Learned counsel learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

7. 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



09.05.2024 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saharsa in connection with Mahishi P.S. Case No. 366 of 2022 is set aside against the appellant. The criminal appeal is allowed.

8. 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 Sessions Judge-1st-cum-Special Judge, SC/ST (POA) Act, Saharsa in connection with Mahishi P.S. Case No. 366 of 2022, with the condition:-

(i) That the appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant is liable to be cancelled.

(Chandra Prakash Singh, J)

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