

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4080 of 2024

Arising Out of PS. Case No.-351 Year-2024 Thana- SITAMARHI District- Sitamarhi

Sudhir Kumar @ Sudhir Singh Son of Bhikhari Singh Resident of Village -
Banchauri, P.S. - Punaura, Dist. - Sitamarhi, at present R/o Village -
Chakmahila Ward no.-16, Sitamarhi, P.S. - Sitamarhi, Dist. - Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Kameshwar Paswan Son of Vishesar Paswan Resident of Village - Mahavir
Nagar (Paswan Chowk), Sitamarhi Ward No.-17, P.S. - Sitamarhi, District -
Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 18-01-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and perused the case
diary.

2. The instant appeal has been filed by the appellant
against the order dated 13.08.2024 passed by 1st Additional
Sessions Judge Cum Special Judge SC/ST (POA) Act,
Sitamarhi, whereby the prayer for bail of the appellant in
connection with Sitamarhi P.S. Case No. 351 of 2024 under
Sections 363, 366(A), 504, 506 of the Indian Penal Code and
Sections 3(1)(r), 3(2)(va) of SC/ST Act was rejected.



3. Prosecution case, in short, is that, minor daughter of the informant did not return to home and during search, informant got information that her daughter was seen going with the appellant. The informant along with others went to the house of the appellant but seeing them, co-accused persons hurled abuse upon them by taking their caste name and threatened them with dire consequences.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the appellant also submits that the appellant and the victim were in love and as such both of them eloped from their house on their own will. The victim girl has been recovered and she made her statement under Section 164 Cr.P.C. where she has not supported the allegation of kidnapping and the victim girl has not stated anything against the appellant and she has also stated that she fell in love with the appellant and on her own sweet will she eloped with him and solemnized marriage with the appellant. Learned counsel for the appellant 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



has no intention to disgrace the image of the informant in public view. The appellant is in custody since 11.06.2024 and has got no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellant.

6. 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. Accordingly, the appeal is allowed and order dated 13.08.2024 passed by 1st Additional Sessions Judge Cum Special Judge SC/ST (POA) Act, Sitamarhi, is hereby set aside.

7. 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 Sitamarhi P.S. Case No. 351 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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