

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4218 of 2024

Arising Out of PS. Case No.-326 Year-2012 Thana- CHAPRA TOWN District- Saran

Bhushan @ Vikash Singh Son of Kishundev Singh Resident of Village -
Harpur, P.S. - Ekma, District - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Patiya Devi Wife of Mahesh Nat Resident of Village - Mashrakh Dakshin
Tola, P.S. - Mashrakh, District - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For the Informant	:	Mr. Rama Kant Singh, Advocate

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

ORAL ORDER

5 18-01-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State, learned counsel for the
informant and perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 20.08.2024 passed by learned Exclusive
Special Judge, Saran at Chapra, whereby the prayer for bail of
the appellant in connection with Chapra Town P.S. Case No. 326
of 2012 under Sections 364 and 365 of the Indian Penal Code.

3. Prosecution case, in short, is that, the appellant
along with other co-accused persons kidnapped the daughter of
the informant with an intention to commit wrongful act with her.



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 victim herself appeared before Ekma Police Station after two days of the alleged occurrence from where the police of concerned police station got the victim recovered. The victim was subjected to medical examination in which no sign or symptom of recent sexual intercourse has been found on the person of the victim. 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 witnesses did not support the prosecution story. The appellant is in custody since 22.07.2024 and has got no criminal antecedent.

5. Learned Special P.P. for the State and the informant have 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 20.08.2024 passed by learned Exclusive Special Judge, Saran at Chapra, 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 Chapra Town P.S. Case No. 326 of 2012, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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