

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5243 of 2024**

Arising Out of PS. Case No.-201 Year-2024 Thana- RAMGARHWA District- East
Champaran

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Shravan Kumar Pandit S/o Kishori Pandit Resident of Village- Kharkatwa,
P.S.- Palanwa, District - East Champaran

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Wakil Paswan S/o Late Jhunni Paswan R/o vill - Bhaluwahiya, ward no. 13,
P.S. - Ramgarhwa, Distt.- East Champaran

... .. Respondent/s

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Appearance :
For the Appellant/s : Mr.Ajay Kumar Singh, Adv.
For the informant : Mr. Sachida Nand Rai, Adv.
Mr. Avinash Raj, Adv.
For the Respondent/s : Ms.Usha Kumari 1, Spl.PP

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

ORAL ORDER

3 20-03-2025 Heard learned counsel for the appellant, learned

counsel for the respondent no. 2 and learned Spl. P.P. 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 against the rejection of prayer for bail of

the appellant vide order dated 19.10.2024 passed by the learned

Special Judge SC/ST (PoA) Act, East Champaran, Motihari in

connection with Ramgarhwa P.S. Case No. 201 of 2024 dated

12.08.2024 registered for the alleged offences punishable under



Sections 137(2), 87, 352 read with Section 3(5) of the B.N.S. and Sections 3(1)(d) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, the appellant is alleged to have kidnapped the minor daughter of the informant with the intention to marry her. It is further alleged that when the informant with his associates went to the house of the appellant and asked about her daughter then accused persons got angry and threatened to kill him. The co-accused, Pana Devi came with broom and told that her son took his daughter and threatened him and thereafter, all the accused persons pushed him away. The informant apprehends that the accused persons have kidnapped his daughter.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. It is further submitted that there is no allegation of abusing against the appellant and hence, no offence under provisions of SC/ST Act is made out against the appellant. The victim in her statement recorded u/s 183 of the B.N.S.S. has stated that she left her house with her own sweet will and she went to Delhi with the appellant where they solemnized marriage in a temple. It is further submitted that the appellant has no concern with the



alleged offence. The appellant has one criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 26.09.2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

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 19.10.2024 passed by the learned Special Judge SC/ST (PoA) Act, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 201 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 Special Judge SC/ST (PoA) Act, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 201 of 2024 with the condition :-

(i) 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 prosecution will be at liberty to move for cancellation
of his bail bond.*

(Chandra Prakash Singh, J)

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