

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.78 of 2025

Arising Out of PS. Case No.-251 Year-2024 Thana- BARUN District- Aurangabad

Chandan Kumar S/o- Nepali Chaudhary Village- Kesho Market, Bhuiyan Toli, P.S- Barun, District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Panjabi Bhuiyan S/o- Late Viraj Bhuiyan Village- Kesho Market, Bhuiyan Toli, P.S- Barun, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukul Kumari, Adv.
For the Respondent/s	:	Mr. Binay Krishna, APP
For the Informant/s	:	Ms. Pratibha Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-04-2025 Heard learned counsel for the appellant and learned counsel for the informant as well as 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 27.11.2024 passed by the learned Special Judge SC/ST-cum-1st Additional Sessions Judge, Aurangabad in B.P. No. 1097 of 2024 in connection with Barun P.S. Case No. 251 of 2024 dated 27.05.2024 registered for the offence/s punishable u/ss 366A, 504, 506 read with Section 34 of the Indian Penal Code and



Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act.

3. As per the prosecution case, the appellant is alleged to have kidnapped the minor daughter of the informant by enticing her. It is further alleged that earlier he also tried to molest her with wrong intention. The compromise had been done by the villagers and punch that he won't make such a mistake again but when the informant went for asking to the house of the petitioner then the co-accused persons abused him by taking caste name and also threatened to kill his daughter.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is love affairs between the appellant and the informant's daughter. It is further submitted that the victim has been recovered and in her statement recorded under Section 164 of the Cr.P.C. has stated that she had not been kidnapped and she herself went with the petitioner. 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. The appellant has no concern with the alleged offence. The appellant has two criminal antecedents as stated at para 3 of the bail petition. The appellant is in custody since 23.08.2024.

5. Learned counsel learned Spl.P.P. for the State as



well as learned counsel for the informant have 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 27.11.2024 passed by the learned Special Judge SC/ST-cum-1st Additional Sessions Judge, Aurangabad in B.P. No. 1097 of 2024 in connection with Barun P.S. Case No. 251 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-cum-1st Additional Sessions Judge, Aurangabad in B.P. No. 1097 of 2024 in connection with Barun P.S. Case No. 251 of 2024.

(Chandra Prakash Singh, J)

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