

(2022) 12 PAT CK 0008

Patna High Court

Case No: Criminal Appeal (SJ) No. 2630 Of 2022

Sardar Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Dec. 7, 2022

Acts Referred:

- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3(1)(i), 3(1)(h), 3(2)(v), 14A(2)
- Indian Penal Code, 1860 - Section 370
- Code Of Criminal Procedure, 1973 - Section 437(3)
- Juvenile Justice (Care and Protection of Children) Act, 2015 - Section 79

Hon'ble Judges: Dr. Anshuman, J

Bench: Single Bench

Advocate: Samrendra Kumar Jha, Sadanand Paswan

Judgement

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

against the refusal of prayer for bail vide order dated 22.06.2022 for the alleged offence under Section 370 of I.P.C. read with Sections 3(1) (i)

(h)/3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 79 of Juvenile Justice Act, 2015.

As per prosecution case, the allegation of recovery of 3 minor child of informant from the possession of appellants is there in the F.I.R. for child labour.

Learned counsel for the appellants submits that appellants are innocent and have committed no offence. He further submits that the present case has been filed only and only on the basis of suspicion. He also submits that the parents of child have filed affidavit before the Court that appellants are innocent and their child were not carrying for any kind of illegal means without their consent rather, they all were returning after attending marriage ceremony of relatives. He further submits that appellants are in custody since 22.05.2022, their antecedents are clean and charge sheet has already been filed in this case.

Learned Special Public Prosecutor opposes the prayer for bail but on the other hand accept that such petition has been filed by the family member of the recovered child.

In the present facts and circumstances of this case and the submissions made above, let the appellants above named, be granted bail on furnishing bail

bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge,

SC/ST (POA) Act, Gaya in connection with Gaya Rail P.S. Case No. 220 of 2022, subject to the conditions as laid down under Section 437(3) of

Cr.P.C.

Accordingly, the impugned order dated 22.06.2022 passed by learned Exclusive Special Judge, SC/ST (POA) Act, Gaya in connection with Gaya Rail

P.S. Case No. 220 of 2022 lodged under Section 370 of I.P.C. read with Sections 3(1)(i) (h)/3(2)(v) of Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 and Section 79 of Juvenile Justice Act, 2015 is set-aside and the present Cr. Appeal (SJ) stands allowed.