

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.974 of 2016

Arising Out of PS.Case No. -109 Year- 2016 Thana -BACHWARA District- BEGUSARAI

- =====
1. Punit Singh, Son of Ram Charan Singh, Resident of Yamtha Bandh Par, P.S.- Bachhawar, District- Begusarai.
 2. Gajendra Nishad, Son of Punit Singh, Resident of Yamtha Band Par, P.S.- Bachhwara, District- Begusarai.
 3. Melan Singh @ Krishna Melan Kumar, Son of Gajendra Nishad, Resident of Yamtha Band Par, P.S.- Bachhwara, District- Begusarai.
 4. Rajkumari Devi Wife of Gajendra Nishad, Resident of Yamtha Band Par, P.S.- Bachhwara, District- Begusarai.

.... Appellants.

Versus

The State of Bihar

.... Respondent.

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Appearance :

For the Appellants : Mr.

For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL JUDGMENT

Date: 23-12-2016

Heard learned counsel for the appellants as well as learned
Special P.P. for the State and learned counsel for the informant.

2. This criminal appeal, filed under section 14A (2) of the
SC/ST (Prevention of Atrocities) Amendment Act, is preferred against
the order dated 30.08.2016 passed by the learned Special Judge
SC/ST, Begusarai in A.B.P. No. 1200 of 2016 by which the prayer of
the appellants for anticipatory bail in connection with Bachhwara P.S.
Case No.109 of 2016 registered for the offences punishable under
Sections 366A, 364, 372 of the Indian Penal Code and Sections 3(I)



(X) SC/ST Act was rejected.

3. The informant originally filed complaint case which was converted into police case.

4. The accusation against the appellants is that they kidnapped the informant's minor daughter and when the informant went to the house of appellants to inquire about his minor daughter, it is alleged that they abused the informant calling his caste name. However, the informant's minor daughter was recovered and her statement under section 164 of the Cr.P.C was recorded. The informant's minor daughter stated in her statement that she along with co-accused Patel Singh had gone to Panjab, where she solemnized her marriage with him.

5. Appellants approached before the court below for grant of anticipatory bail but their prayer for bail was rejected on the ground that anticipatory bail petition is not maintainable in the case of SC/ST (Prevention of Atrocities) Amendment Act but submission on behalf of the appellants is that the offence of SC/ST (Prevention of Atrocities) Amendment Act is not applicable against the appellants because the informant has admitted in his written report that when he went to the house of accused persons in search of his minor daughter, only the father of Patel Singh was present in the house and he was abused by the accused persons at that same time. Learned counsel for



the appellants further submits that the aforesaid statement of the informant is itself contradictory and the application of SC/ST (Prevention of Atrocities) Amendment Act against the appellants appears to be doubtful.

6. I find force in the above stated contentions and, accordingly, this criminal appeal is allowed and the impugned order dated 30.08.2016 passed by the learned Special Judge SC/ST, Begusarai in A.B.P. No. 1200 of 2016 is set aside.

7. Accordingly, it is ordered that the appellants, above named, in the event of their arrest or surrender within six weeks from the date of receipt or production of copy of this order, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge 1st, SC/ST, Begusarai in connection with Bachhwara P.S. Case No. 109 of 2016, subject to condition as laid down under Section 438(2) of Cr.P.C.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NA
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