

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3591 of 2018

Arising Out of PS. Case No.-91 Year-2018 Thana- KALUAHI District- Madhubani

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1. Chandan Mahto @ Chandan Kumar Mahto, S/o Shatrughan Mahto @ Shatrudhan Mahto,
 2. Baby Devi, W/o Shatrughan Mahto @ Shatrudhan Mahto, Both are resident of Village- Shubhankarpur, P.S.- Kaluahi, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Das, Advocate
For the Respondent/s	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the refusal of prayer for anticipatory bail vide order dated 08.08.2018 passed by the learned 1st Additional Sessions Judge, Madhubani, in A.B.P. No.1031 of 2018, arising out of Kaluahi Police Station Case No.91 of 2018, registered under Sections 363/366A/504/506/34 of the Indian Penal Code and Sections 3(i)(vii)(x)/3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The FIR would reveal that the daughter of the informant was found missing and subsequently the informant came to know that appellant Chandan Mahto was involved in her kidnapping.

Submission is that the matter appears to be of love affairs. The entry of date of birth of the victim in Municipal Corporation vide Annexure-4 would show that she was born on 29.03.1999 and as such she was a major on the alleged date of occurrence though she has alleged forceful kidnapping in the statement under Section 164 Cr.P.C. However, the joint photograph and joint oath sworn by Chandan and the victim at Annexure-2 would reveal that they had voluntarily married.

Considering the entire facts of the case above, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.12.2018
Transmission Date	11.12.2018

