

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1786 of 2018

Arising Out of PS. Case No.-307 Year-2017 Thana- PUPRI District- Sitamarhi

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1. Lalita Devi wife of Dihal Mukhiya
 2. Parvati Kumari daughter of Shatrughan Mukhiya
 3. Bhajju Mukhiya son of Dihal Mukhiya 1 to 3 R/o Village - Chainpura, P.S. - Pupri, District - Sitamarhi.
 4. Lakhindra Mukhiya son of Asharfi Mukhiya R/o Village Koili, P.S. - Nanpur, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.04.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in A.B.P. No.71 of 2018, arising out of Pupri Police Station Case No.307 of 2017 registered under Section 366A/34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Though the F.I.R. discloses allegation of kidnapping of the daughter of the informant by co-accused, *Devendra Mukhiya*. The father of *Devendra Mukhiya* had filed an affidavit that both have



already married with each other and both are living together at Delhi. Considering his affidavit, *Dihal Mukhiya*, the father of *Devendra Mukhiya* was allowed regular bail by this Court passed in Criminal Appeal (SJ) No.661 of 2018 dated 22.03.2018. The appellants are family members.

Considering the aforesaid factual position, 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/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

