

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4255 of 2018

Arising Out of PS. Case No.-21 Year-2017 Thana- COMPLAINT CASE District- Kishanganj

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1. Anwar Alam @ Anwarul Haque S/o Abdul Haque
 2. Saddam @ Asharaful Haque S/o Abdul Haque
 3. Abdul Haque S/o Abdul Rashid All Resident of Village-Gilhabari, P.S. Jiyapokhar, Distt.-Kishanganj
 4. Sahid Aalam S/o R./o Deramari, P.S. Jiyapokhar, Distt.-Kishanganj. Appellant/s
- Versus
1. The State of Bihar
 2. Josna Devi W/o Viswanath Harijan R/o Village-Talwarbandha, P.S. Garbandanga, Distt.-Kishanganj Respondent/s
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Appearance :

For the Appellant/s : Mr. Diwakar Sinha, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 18.09.2018 in Special Case No.17 of 2018 arising out of Complaint (SC/ST) Case No.21 of 2017 passed by the learned Special Judge SC/ST, Kishanganj registered under Section 366 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

Allegation against the appellants is that they kidnapped to the daughter of the informant.

Submission is that for the same occurrence, husband of the complainant had also lodged Garbandanga



P.S.Case No.12 of 2017. In the police case, statement of the victim was recorded under Section 164 Cr.P.C., wherein she has specifically stated that she was not kidnapped by anyone rather she had voluntarily gone to the house of Aslam.

Considering the statement of the victim girl, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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