

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4213 of 2018

Arising Out of PS. Case No.-45 Year-2018 Thana- SC/ST District- Sitamarhi

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1. Devendra Rai, Son of Late Ramashish Rai,
 2. Sushil Kumar Yadav, Son of Late Raghuwar Rai,
 3. Ajay Kumar @ Ajay Kumar Rai, Son of Ramprit Rai,
 4. Sia Sharan Rai @ Siyashan Rai, Son of Late Musafir Rai,
 5. Tetari Devi, Wife of Ramprit Rai,
 6. Binod Rai, S/o Ramprit Rai, All R/o Village - Punaura, P.S. & 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.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 06.10.2018 in A.B.P. No. 1378 of 2018/309 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 45 of 2018 registered under Sections 363, 366A/34 of the Indian Penal Code as well as Sections 3(1)(s) of the SC/ST Act.

The appellants are relations and co-villagers of co-accused Vikash Kumar. Allegation is of kidnapping of the daughter of the informant.



The victim in her statement under Section 164 Cr.P.C. before the Magistrate stated that she had voluntarily married with Vikash Kumar. The victim had disclosed her age as 21 years.

Considering the aforesaid facts, 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 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Banti

AFR/NAFR	N.A.
CAV DATE	N.A.
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