

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.299 of 2019**

Arising Out of PS. Case No.-34 Year-2018 Thana- SC/ST District- Sitamarhi

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Anil Kumar Hardev Singh R/o village- Kharibi, P.S- Bathnaha district- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

=====

**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL JUDGMENT**

**Date : 20-06-2019**

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 03.10.2018 passed by learned 1<sup>st</sup> Additional Sessions Judge- cum- Special Judge, SC/ST, Sitamarhi in connection with Sitamarhi P.S. Case No. 34 of 2018 registered under Sections 363 and 366A of the Indian Penal Code and Section 3(i)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant submits that the appellant is innocent and has not committed any offence. In fact, the victim in her statement recorded under Section 164 Cr.P.C. has denied the allegation of kidnapping and also accepted that she has married with the appellant out of her



own sweet will. Moreover, she has also disclosed her age as 20 years but the learned Magistrate has assessed the age of victim as 18 years and declared her major. Hence, the appellant may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge- cum- Special Judge, SC/ST, Sitamarhi in connection with Sitamarhi P.S. Case No. 34 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

**(Arvind Srivastava, J)**

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