

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1098 of 2019**

Arising Out of PS. Case No.-94 Year-2016 Thana- NATIONAL HIGHWAY District-  
Samastipur

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1. Sudhir Singh @ Sudhir Raut Son of Raj Kumar Raut, Resident of Village-  
Kubauli Ram, P.S.- N.H. Bangra, District- Samastipur.
  2. Sangeeta Devi Wife of Sudhir Singh @ Sudhir Raut, Resident of Village-  
Kubauli Ram, P.S.- N.H. Bangra, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Pramod Kumar Singh  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

3      24-06-2019                      Heard learned counsel for the appellants and learned  
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST  
Act against the refusal of prayer for anticipatory bail vide order  
dated 13.02.2019 passed by learned 1<sup>st</sup> Addl. Sessions Judge  
cum Special Judge (SC/ST Act), Samastipur in N.H. Bangra P.S.  
Case No. 94 of 2016 registered under Sections 366(A), 376,  
120B and 376 (K) of the Indian Penal Code and Section 3(1)(s),  
3(2)(va) of the SC/ST Act.

At the instigation of one Rakhi Kumari, the daughter  
of the informant eloped from her house. On the way, appellant  
Sudhir Singh and his wife Sangeeta Devi and one another lady  
met her and took her in their house and locked her there and



thereafter took her to some unknown place and got her married there with one Tuntun Mahto. The victim was recovered from the house of Tuntun Mahto.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The allegation levelled against the appellants is not specific rather general and omnibus in nature. As a matter of fact, the victim was in love with Tuntun Mahto and she had left her house out of her sweet will with said Tuntun Mahto. The victim in her statement recorded under Section 164 Cr.P.C. has candidly stated that she had voluntarily left her house. She has denied the offence of her kidnapping. Appellants have no criminal antecedent. Similarly situated co-accused namely Rakhi Kumari, Meena Devi and Marni Devi have been enlarged on anticipatory bail by different co-ordinate Benches of this Court.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned 1<sup>st</sup> Addl. Sessions Judge cum Special Judge (SC/ST Act), Samastipur in N.H. Bangra P.S. Case No. 94 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

**(Prakash Chandra Jaiswal, J)**

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