

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1047 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- KALYANPUR District- Samastipur

Sachindra Sahani @ Sachindra Kumar S/o- Khobari Sahni, R/V- Gopalpur,
P.S.- Kalyanpur, District- Samastipur.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar
For the Respondent/s : Mrs .Usha Kumari 1

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

ORAL ORDER

5 09-08-2019 Heard learned counsel for the appellant and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 10.01.2019 passed by learned 1st Additional
Sessions Judge, Samastipur in connection with Kalyanpur P.S.
Case No. 164 of 2018 registered under Sections 363, 366 A, 354
D (1) & 343/34 of the Indian Penal Code and Section 3(1) (r)
(s) (w) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.



Appellant along with three other named accused persons are said to have kidnapped the minor daughter of the informant on the Bolero while she had gone to excrete and ultimately dropped her in the village on the following day succumbing the social pressure mounted upon them.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant have been falsely implicated in the case due to dirty village politics and group rivalry. As a matter of fact, the victim is in love with the co-accused Santosh Sahni and on hulla in the village she suo motu regressed to the village. Doctor has not found any sign of rape on the person of the victim. Appellant has no criminal antecedent.

On the other hand, learned Special P.P. for the State opposing the prayer for bail submitted that appellant along with three other named accused are said to have kidnapped the minor daughter of the informant. The victim in her statement made under Section 164 Cr.P.C. has supported the aforesaid occurrence and also stated that after kidnapping her the aforesaid accused persons committed rape against her. Doctor examining the victim has assessed her age as 15-16 years and opined that sexual intercourse has been established in



the past. Hence, the appellant does not deserve bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the appellant on bail. The prayer for bail of the appellant is hereby rejected. However, the appellant is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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