

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1580 of 2019

Arising Out of PS. Case No.-49 c Year-2017 Thana- COMPLAINT CASE District-
Kishanganj

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1. Gopal Sharma S/o Late Prahlad Sharma, Resident of Jagarnath School Chowk, P.S. and District- Kishanganj.
 2. Sushil Sharma, S/o Late Prahlad Sharma, Resident of Jagarnath School Chowk, P.S. and District- Kishanganj.
 3. Mukund Kumar Sharma, S/O Sushil Sharma, Resident of Jagarnath School Chowk, P.S. and District- Kishanganj.

... .. Appellants.

Versus

1. The State of Bihar.
2. Satyendra Kumar Das, S/o Late Dinu Lal Das, Resident of Villlage-Kaserapatti Road, P.S. and District- Kishanganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Dhananjaya Nath Tiwari, Adv. Ms. Preety Kunwar, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 04-07-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The appellants seek pre-arrest bail in connection with Complaint Case No.49C of 2017 registered under Section 504 of the Indian Penal Code and Section 3 (1) (r) (a) (u) (v) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

The daughter of appellant no.1-Gopal Sharma and son of the informant has performed Court marriage in



Ghaziabad but Gopal Sharma has lodged a false and frivolous case of kidnapping his daughter against son of the informant and others vide Kishanganj Case No.403/2017 in which the police has submitted the final form. The son of the informant had lodged a case in the Family Court for restitution of conjugal right and when he came out of the Court after taking date in the said case appellants assaulted and slated him in the name of his caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case. As a matter of fact, the son of the informant has kidnapped the daughter of the appellant no.1 for which appellant no.1 has lodged Kishanganj P.S. Case No.403/2017 in which the police submitted final form against the informant and others despite the protest petition filed by the informant. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, the



above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Kishanganj in connection with Complaint Case No.49 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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