

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1858 of 2019**

Arising Out of PS. Case No.-15 Year-2019 Thana- SINDHWARA District- Darbhanga

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1. SURENDRA SAHNI Son of Bisho Sahni Resident of village- Rajo, P.S.-Singhwara, District- Darbhanga.
 2. Bechan Sahni Son of Bisho Sahni Resident of village- Rajo, P.S.-Singhwara, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Virendra Kumar

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 15-05-2019

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 05.04.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (Prevention of Atrocities) Act, Darbhanga in connection with Singhwara P.S. Case No. 15 of 2019, registered under Sections 363, 366, 376, 341, 354, 323, 506/34 of the Indian Penal Code and Section 3(X) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants submits that the appellants who are of clean antecedent, are innocent and have not committed any offence. In fact, the occurrence took place on 12.12.2018 whereas the FIR has been



lodged on 26.01.2019 after lapse of almost two months without explaining the plausible delay which creates doubt over the prosecution version. Moreover, the victim who is alleged to have been kidnapped has come to her home on 13.01.2019 i.e. one day after her alleged kidnapping. No specific case is made out against these appellants. Hence, the appellants 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (Prevention of Atrocities) Act, Darbhanga in connection with Singhwara P.S. Case No. 15 of 2019 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)

Brajesh/
S. Katyayan/-

Uploading Date	
Transmission Date	

