

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2176 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

1. Madan Sah Son of Phakira Sah Resident of Village-Kushhar Kaswa Tola, P.S.-Tariganj, District-Sheohar.
2. Geeta Devi W/o Madan Sah Resident of Village-Kushhar Kaswa Tola, P.S.-Tariganj, District-Sheohar.
3. Urmila Devi W/o Shree Ram Sah Resident of Village-Kushhar Kaswa Tola, P.S.-Tariganj, District-Sheohar.
4. Mamta Devi @ Ravita Devi W/o Pappu Sah Resident of Village-Kushhar Kaswa Tola, P.S.-Tariganj, District-Sheohar.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hans Lal Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(1) 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 23.04.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Sheohar in connection with Tariyani P.S. Case No. 46 of 2019 registered under Sections 323, 363, 366-A, 504 & 506/34 of the Indian



Penal Code and Section 3 (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Raju Kumar, who happens to be son of the appellant no.1-Madan Sah, is said to have kidnapped the daughter of the informant while she went for defecation and when the informant complained to appellant Madan Sah he called him and when he and his wife went to his house all the accused persons slated him and his wife in the name of their caste and extended threatening of dire consequences.

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 due to ulterior motive. There is no allegation of kidnapping the daughter of the informant against the appellants. The only allegation against the appellants is of slating the informant and his wife in the name of their caste which has taken place inside the house and not in public view. Hence, no offence under Section SC/ST Act is made out against the appellants. The medical examination report of the victim reveals her age to be 18-20 years. The victim in her statement made under Section 164 Cr.P.C. has candidly stated that she was in love with the Raju Kumar and eloped with him and performed marriage with



him and wanted to live with him. 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 cum Special Judge SC/ST Act, Sheohar in connection with Tariyani P.S. Case No. 46 of 2019 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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