

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2532 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- SONBERSA District- Saharsa

Binod Sah Son of Kamo Sah Resident of Village- Soha, P.S.- Sonbarsa,
District- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Rashmi Jha
For the Respondent/s : Mr. Sadanand Paswan

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

ORAL ORDER

2 28-06-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 31.05.2019 passed by learned 3rd Addl.
Sessions Judge cum Special Judge, Saharsa in Sonbarsa P.S.
Case No. 02 of 2019 registered under Sections 363, 366 of the
Indian Penal Code and Section 3(i)(r) of the Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act.

Four named accused persons including the
appellant are said to have kidnapped minor daughter of the



informant on motorcycle.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has no concern with the aforesaid occurrence. As a matter of fact, the victim is major and she was in love with some other person and eloped with him and in order to save his prestige in the village, the informant has filed this false and frivolous case against the appellant and others. The occurrence is said to be of 16.12.2018, but the FIR has been lodged after inordinate and abnormal delay of 18 days on 03.01.2019 without assigning any plausible reason for the aforesaid delay. Moreover, regarding the said occurrence, the informant has lodged a Complaint Case No. 01/2019 against six accused persons including the appellant. Appellant has no criminal antecedent. Similarly situated co-accused, namely, Pankaj Yadav @ Pankaj Kumar Yadav @ Pintu Yadav has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.05.2019 passed in Cr. Appeal (SJ) No. 2070 of 2019.

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

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his



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) with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Sessions Judge cum Special Judge, Saharsa in connection with Sonbarsa P.S. Case No. 02 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

