

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2940 of 2019**

Arising Out of PS. Case No.-85 Year-2019 Thana- SOHSARAI District- Nalanda

1. Pinku Devi @ Rinku Devi, Wife of Late Yogendra Yadav Resident of Village - Krishna Nagar, P.S.- Sohsarai, District - Nalanda.
2. Kundan Kumar Son of Late Yogendra Yadav Resident of Village - Krishna Nagar, P.S.- Sohsarai, District - Nalanda.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 16-11-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 20.06.2019 passed by learned 1st Addl. Sessions Judge, Nalanda at Biharsharif in connection with Sohsari P.S. Case No. 85 of 2019, registered under Sections 363, 366(A) of the Indian Penal Code and Section 3(1)(r)(s)(z) of the SC/ST Act.

Accusation is that on 09.04.2019, daughter of informant aged about 14 years had gone to her school, but she did not return. In course of search, informant came to know that her daughter has been kidnapped by Kundan Kumar (Appellant No.2), who used to talk with her daughter on mobile, with the



help of his mother Pinku Devi @ Rinku Devi (Appellant No.1).

Learned counsel appearing on behalf of appellants submits that while it is alleged in the F.I.R. that daughter of informant was kidnapped in the way of school by appellant No.2, but it would appear from the statement of daughter of informant as recorded on 07.06.2019 under Section 164 Cr.P.C. that since, she fall in love with the Kundan Kumar (Appellant No.2), but her family members do not want to perform her marriage with Appellant No.2 and they used to assault her due to that reasons, she left her parental house in the night and called to appellant No.2, who came and accompanied her and performed marriage with her.

Learned Spl. PP for the State opposed the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Nalanda at Biharsharif in connection with Sohsarai P.S. Case No. 85 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.

(Rajendra Kumar Mishra, J)

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