

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3279 of 2019

Arising Out of PS. Case No.-28 Year-2018 Thana- SC/ST District- East Champaran

1. DINESH YADAV @ DINESH PD. YADAV Son of Ram Chalitar Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
2. Madan Yadav Son of Ram Chalitar Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
3. Rajesh Yadav @ Rajesh Kumar Rai Son of Ram Chalitar Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
4. Shatrughan Yadav Son of Badri Rai @ Badri Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
5. Awadh Yadav @ Awadh Kumar Yadav Son of Badri Rai @ Badri Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
6. Mukesh Yadav Son of Gama Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
7. Pappu Yadav Son of Madan Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
8. Munna Yadav Son of Madan Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
9. Badri Rai @ Badri Yadav Son of Ram Ugrah Rai @ Ram Ugrah Yadav Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.
10. Suresh Prasad Son of Ram Lal Sah Resident of Village - Semra, P.S.- Mufassil, District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vinay Ranjan
For the Respondent/s	:	Mr.Usha Kumari 1
For the Informant	:	Mr. Rakesh Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 27-11-2019 By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant seek for setting aside the order dated 27.5.2019 passed in SC & ST P.S.Case No.28 of 2018



dated 2.4.2018 for the offences punishable under Section 341, 323, 354(B), 363, 366(A), 504 and 34 of the Indian Penal Code read with Sections 4 and 8 of the POCSO Act and Section 3(i) (d)(r)(s) w(i) (ii) of SC/ST (Prevention of Atrocities) Act by the learned 1st Addl. Sessions Judge cum Special Judge, SC & ST (POA) Act, East Champaran, Motihari, whereby and whereunder, the appellants' application for grant of bail has been rejected.

This appeal has been filed for grant of anticipatory bail.

There is allegation against the appellants that all of them along with the other accused persons had earlier also kidnapped her and thereafter on 24.3.2018 while she was sitting at her *Darwaza*, the accused persons including the appellants came and abused the informant by taking caste name and assaulted her and also her mother and they also tried to kidnap her.

Submission of the learned counsel for the appellants is that earlier also a case had been filed of kidnapping against the appellants, one Sanjay Yadav, in which the girl has appeared and stated that she had gone on her own sweet-will and married with him, which will appear from annexure-2 and thereafter on the pressure of the family members, the present case has been filed, in which also after investigation, final form was submitted,



however, the learned Special Judge has taken cognizance differing with the final form.

Hard learned Special P.P. as well as the learned counsel for the informant, who have opposed the prayer for bail on the ground that there are materials against the appellants as such they do not deserve anticipatory bail..

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant privilege of anticipatory bail to the appellants, however, this application is disposed of with a direction to the appellants that once the appellants surrender and pray for regular bail, the learned Special Judge shall consider the same and on the basis of the materials available on the record as well as on the submissions he will try to dispose of the prayer for bail of the appellants, if possible on the same day.

With the above direction, this appeal is disposed of

(Vinod Kumar Sinha, J)

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