

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3239 of 2019

Arising Out of PS. Case No.-50 Year-2019 Thana- BIBHUTIPUR District- Samastipur

1. Chandan Kumar Son of Ram Prasad Singh Resident of Village - Kerai, P.S.- Vibhutipur, Dist.- Samastipur.
2. Sujit Kumar Son of Ram Prasad Singh Resident of Village - Kerai, P.S.- Vibhutipur, Dist.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijay Bhushan Prasad
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 27-11-2019 Heard learned counsel for the appellants and learned
counsel for the respondent-State.

The appellants have challenged the order dated 21.06.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in A.B.P. NO.1064 of 2019 in connection with Vibhutipur P.S. case No.50 of 2019 registered for the offences under Sections 366A/34 of the Indian Penal Code and Section 3(1) (r) (s) of SC/ST (POA) Act, whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution case, in short, is that the daughter of the informant, namely, Rani Kumari had gone to orchard to collect



fire wood, but she did not return back. Thereafter the informant searched her and she came to know that the appellants have kidnapped her daughter. She was also abused by calling her caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The victim girl has been recovered. Her statement under Section 164 of Cr.P.C. has been recorded. There is no allegation of sexual or physical abuse alleged against the appellant No.1. The sexual abuse is alleged against the co-accused, namely, Manish Kumar, Arun Kumar Singh and appellant No.2 Sujit Kumar.

On behalf of the respondent-State, it is submitted that the appellants are named in the F.I.R. Specific allegation of sexual abuse is alleged against the appellant No.2 also. So appellant No.2 does not deserve anticipatory bail.

Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of appellant No.2 is rejected.

So far appellant No.1 is concerned, let the appellant No.1, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur in connection with Vibhutipur P.S. case No.50 of 2019.

The appeal stands disposed of.

(Sudhir Singh, J)

Narendra/-

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

