

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3631 of 2019**

Arising Out of PS. Case No.-314 Year-2018 Thana- SURSAND District- Sitamarhi

Mukesh Kumar @ Mukesh Sah Son of Sobhit Sah Resident of Village-
Piparadhi, Police Station- Sursand, District- Sitamarhi.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

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

ORAL ORDER

5 16-10-2019 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 17.07.2019 passed by learned 1st A.D.J. cum
Special Judge, SC/ST Act, Sitamarhi in Sursand P.S. Case No.
314 of 2018 registered under Sections 363, 366(A), 372/34 of
the Indian Penal Code and Section 3(2)(v) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Minor daughter of the informant is said to have
been kidnapped by Umesh Sah and Ranjit Sah while she had
gone to market to purchase household articles and when the



informant approached family members of Umesh Sah to make complain his family members, appellant Mukesh Sah chiding him made him to leave the place.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. There is no allegation of kidnapping the daughter of the informant against the appellant. Only allegation against appellant is of chiding the informant and making him to leave the house of Umesh Sah when he arrived there to make complain of kidnapping his daughter by Umesh Sah and Ranjit Sah. He happens to be villager of accused Umesh Sah. Victim in her statement recorded under Section 164 Cr.P.C. has not named the appellant in the occurrence. Appellant has no criminal antecedent.

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 1st A.D.J. cum Special Judge,
SC/ST Act, Sitamarhi in Sursand P.S. Case No. 314 of 2018,
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)

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