

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3709 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

1. RAJA SINGH @ RAJ KUMAR KUNWAR S/o Rupan Kumar R/o Village- Mashan, Dumri Katsari, Mashaha, P.S.- Shyampur Bhataha, District- Sheohar.
2. Sushil Pandey S/o Harihar Chaubey R/o Village- Phoolkahan, P.S.- Shyampur Bhataha, District- Sheohar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2019 Heard learned counsel for the appellants and learned
Additional Public Prosecutor for the State.

This is an appeal under Section 14(A) (2) of the SC/ST Act against the refusal of prayer for bail vide order dated 30.07.2019 passed by the ADJ-cum-Special Judge, SC/ST Act, Sheohar in A.B.P. No. 216 of 2019 arising out of Shyampur Bhataha P.S. Case No. 45 of 2019 registered for the offence punishable under Sections 363, 366(A) of the Indian Penal Code and Section 3(i)(r), 3(i)(S) of the SC/ST Prevention of Atrocities Act.

Prosecution case is that one Mithilesh Devi gave her fardbeyan before the Officer-Incharge of Shyampur Bhataha P.S.



stating therein that her daughter Sunita Kumar aged about 14 years passed Class VIIIth and wanted to continue her study. On 30.04.2019 Raju Singh, Rambabu Singh, Raja Singh and Sunil Pandey abducted her daughter either for marriage or for immoral work. When she learnt this fact then she went to enquire about it. Raja Singh and his mother Janki Devi abused her and also abused in the name of her caste and said to get out from his house otherwise they would beat her. They accept that their son had taken away her daughter and she may go anywhere as her will.

Learned counsel for the appellants submits that the victim Sunita Kumari came back and was examined under Section 164 Cr.P.C. by the learned Judicial Magistrate in which she has stated that she was in love with Raju Kumar for two years and fled away from her house six months earlier. He submits that appellant no. 1 is full brother of Raju Kuwar and appellant no. 2 is friend of appellant no. 1. He further submits that there is no specific allegation against the appellants.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of



the learned ADJ-cum-Special Judge, SC/ST Act, Sheohar in
Shyampur Bhataha P.S. Case No. 45 of 2019.

Accordingly, the impugned order is set aside and
appeal is allowed.

(Anjani Kumar Sharan, J)

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