

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3785 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- BALIYA District- Begusarai

NAZNEEN KHATOON W/o Razzaque Khaliffa Resident of Village - Satti
Chaura, P.S.- Ballia, Dist.- Begusarai.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N. K. Agrawal, Sr. Advocate.
		Mr. Ashok Kumar Jha, Advocate.
For the Respondent/s	:	Mrs. Usha Kumari-1, Special P.P.

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

ORAL ORDER

2 11-09-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.06.2019 passed by learned Special Judge SC/ST Act, Begusarai in connection with Ballia P.S. Case No. 86 of 2019 registered under Sections 363, 372, 373 & 120 B of the Indian Penal Code, Section 3, 4, 5 & 6 of the Immoral Traffic Act and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant left her paternal house following chiding by her father over late rising. On the way, appellant met



her and took her to her house where she accorded her some food stuff. Then, she took her to Mansi railway station by train and from there she took to the house of Munni where she was also given foodstuff and she was asked to do flesh trade but she managed to escape by scaling the wall.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. She has been falsely implicated in the case. As a matter of fact, appellant has taken the victim to her house finding her wandering at the railway station for her safety and kept her at her house as maid servant but she however left her service and filed this false and frivolous case against the appellant over not payment of due wages by her. The victim was found major on the medical examination. As the victim was married & major and was not under influence of any intoxicating substance and had the appellant forcibly taken the victim by train to somewhere she would have made alarm and informed the commuters of the train about her kidnapping but she did not do so. The aforesaid aspect of the case creates serious doubt about the prosecution case. Appellant happens to be lady and has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellant, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Begusarai in connection with Ballia P.S. Case No. 86 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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