

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3873 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- BARBIGHA District- Sheikhpura

1. Munna Sao Son of Mangal Sao Resident of Village - and P.S.- Samera, Distt - Nalanda.
2. Vikash Kumar @ Gautam Kumar Son of Munna Sao Resident of Village - and P.S.- Samera, Distt - Nalanda.
3. Uttam Kumar Son of Munna Sao Resident of Village - and P.S.- Samera, Distt - Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 15-11-2019 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 18.06.2019 passed by learned 1st Addl. District and Sessions Judge, Shekhpura in Barbigha P.S. Case No. 110 of 2019 registered under Sections 363 and 366(A) of the Indian Penal Code, POCSO Act-2012 and Section 3(i)(r)(s) of the SC/ST Act.

Appellants along with four other accused persons including the accused Manish Kumar are said to have kidnapped



the minor sister of the informant on Bolero.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, victim was in love with the co-accused Manish Kumar and she *suo motu* eloped with the said accused and appellants have been falsely implicated in the case merely because they happen to be father and brothers of said Manish Kumar. By filing statement of the victim recorded under Section 164 Cr.P.C., learned counsel for the appellants further submitted that the victim has not named the appellants in the occurrence. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Asha Devi and Mamta Devi have been enlarged on anticipatory bail by this Court vide order dated 07.08.2019 passed in Cr. Appeal (SJ) No. 2910 of 2019.

Learned counsel for the informant and learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District



and Sessions Judge, Shekhpura in connection with Barbigha P.S.
Case No. 110 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
appeal is allowed.

(Prakash Chandra Jaiswal, J)

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