

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4074 of 2019**

Arising Out of PS. Case No.-82 Year-2019 Thana- MANIHARI District- Katihar

SAJAN @ SARJAN KHAN S/o Asfaq Khan Resident of Nawabganj, P.S.-
Manihari, Distt.- Katihar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar Singh

For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

2 27-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 26.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Katihar in Manihari P.S. Case No. 82 of 2019 registered under Section 365/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Daughter of the informant is said to have been kidnapped by the appellant along with two named accused



persons and one unknown miscreant.

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 the case due to dirty village politics. Victim in her statement recorded under Section 164 Cr.P.C. has not stated about committing any illegal act against her by the appellant and she has herself stated that appellant is her friend. Hence he may be enlarged on bail.

On the other hand, learned Spl.PP for the State opposing the bail petition submitted that the appellant has kidnapped the daughter of the informant in association of his accomplices and victim in her statement recorded under Section 164 Cr.P.C. has stated that the appellant administered some intoxicated substance to her in chocolate, resultantly she fell senseless and found herself in a room. However on persistent insistence he left her in the Katihar Court. Hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on anticipatory bail. Prayer for bail of the appellant is rejected.

However, appellant is directed to surrender before the learned court below within six weeks from today and seek



regular bail and the learned court below shall dispose of the bail petition of the appellant on the very date of his surrender in accordance with law without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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