

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4751 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- SC/ST District- Sitamarhi

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1. RAMJEE SAHANI Son of Late Ram Babu Sahani Resident of Village- and P.S.- Riga, District- Sitamarhi.
 2. Pramod Sahani Son of Late Ajay Sahani Resident of Village and P.S.- Riga, District- Sitamarhi.
 3. Tilia Devi Wife of Ram Chandra Sahani Resident of Village and P.S.- Riga, District- Sitamarhi.
 4. Santosh Sahani Son of Ramchandra Sahani Resident of Village and P.S.- Riga, District- Sitamarhi.
 5. Kirnesh Sahani Son of Rajendra Sahani Resident of Village and P.S.- Riga, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 14-11-2019 Heard learned counsel for the appellants 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 26.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in Sitamarhi SC/ST P.S. Case No. 44 of 2019 registered under Sections 363 and 366A/34 of the Indian Penal Code and Section 3(i)(s) of the SC/ST Act.



Appellants are said to have kidnapped the minor daughter of the informant with intent to perform marriage with her along with jewellery of Rs.25000/-. When the informant approached them, they slated him in the name of his caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. There is no eye witness of the occurrence. Identity and genuineness of the source of information has not been mentioned in the written report. Victim in her statement recorded under Section 164 Cr.P.C. has candidly denied the occurrence of kidnapping her by the appellants rather she has stated that on thrashing her by her mother she suo motu left for her grand mother. Slating the informant in the name of his caste is said to have been made inside the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

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. Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in connection with Sitamarhi SC/ST P.S. Case No. 44 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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