

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5073 of 2019**

Arising Out of PS. Case No.-61 Year-2019 Thana- AMDABAD District- Katihar

1. Shekh Karim @ Karim Bakhs Son of Late Hazi Nizawat Hussain Resident of Village - Naya Tola Bahadurpur, P.S.- Manihari, Distt - Katihar.
2. Nigar Khatoon Wife of Maksud Resident of Village - Naya Tola Bahadurpur, P.S.- Manihari, Distt - Katihar.
3. Muntasir Raj @ Muntasir Alam Son of Maksud Resident of Village - Naya Tola Bahadurpur, P.S.- Manihari, Distt - Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Rishikesh Ojha, Advocate  
For the Respondent/s : Mr. Sadanand Paswan, A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      29-11-2019                      Heard learned counsel for the appellants and learned counsel for the State. Learned counsel for the complainant is also present.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the order dated 30.09.2019 passed by the learned I<sup>st</sup> Additional Sessions Judge cum Special Judge, Katihar, in A.B.A. No. 85 of 2019, whereby and whereunder learned Court has rejected the anticipatory bail application filed by the appellants in Amdabad P.S. Case No. 61 of 2019, registered for the offences under Sections 363, 366A of the Indian Penal Code and Sections 3(ii), (v) (a) of Schedule Caste/ Schedule Tribe



(Prevention of Atrocities) Act 1989.

Learned counsel for the appellants submits that the victim girl has given two consecutive statements arising out of the two cases in which she had, at the first occasion, eloped with the Appellant No. 3 and at that point of time the victim girl has stated her age to be 17 years and thereafter she had gone back to her parents after giving her statement under Section 164 Cr.P.C. However, on the second occasion, when she again eloped with the boy, who she claims to have now married. She has stated that she is eighteen years of age and that she is living with her husband (Appellant No. 3) and in-laws in her *sasural*.

Considering the clear statements made by the victim girl on two occasions that she was in love with the boy, namely, Muntasir Raj @ Muntasir Alam (Appellant No.3), and that Appellant No. 1 and 2 are the grand father and mother of Appellant No. 3, let the appellants 1 to 3, above named, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each, with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Katihar in connection with Amdabad P.S. Case No. 61 of 2019, subject to



the condition laid down under Section 438(2) of the Code of Criminal Procedure.

With the aforesaid, the present appeal stands allowed and consigned to records.

**(Anjana Mishra, J)**

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