

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.55 of 2020**

Arising Out of PS. Case No.-121 Year-2019 Thana- BALIYA District- Begusarai

1. DRAUPATI DEVI W/o Bhola Ram R/o village- Janipur Navtolia, P.S.- Ballia, District- Begusarai
2. Kajal Kumari D/o Bhola Ram R/o village- Janipur Navtolia, P.S.- Ballia, District- Begusarai
3. Bhola Ram S/o Yugal Ram R/o village- Janipur Navtolia, P.S.- Ballia, District- Begusarai
4. Lalan Kumar S/o Bhola Ram R/o village- Janipur Navtolia, P.S.- Ballia, District- Begusarai

.. ... Appellants

Versus

The State of Bihar

... ... Respondent

Appearance :

For the Appellant/s	:	Mr.Shiv Kumar Prasad, Advocate
		Mr. Arjun Prasad, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-07-2020 At the outset, learned counsel for the appellants submits that during pendency of the appeal Bhola Ram (appellant no. 3) has been arrested, therefore, this appeal on his behalf has become infructuous. Let it be treated to have become infructuous on behalf of appellant no. 3. This appeal survives on behalf of the appellants no. 1, 2, and 4 only.

The appellants in the present case are seeking setting aside of order dated 12.12.2019 passed in A.B.A. No. 2134 of 2019 by the learned Spl. Judge SC/ST (POA) Act, Begusarai whereby and whereunder the prayer for anticipatory bail of the appellants in connection with Ballia P.S. Case No. 121 of 2019



registered for the offences punishable under Sections 363, 366(A), 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act has been rejected.

Learned counsel for the appellants submits that although in the First Information Report it is alleged that appellant no. 4 had taken away the victim girl while she was inviting the people to attend the Shradh ceremony on 21.03.2019 but the First Information Report has been lodged on 16.04.2019, the victim girl has married with appellant no. 4 and in this regard they have sworn an affidavit with a joint signature copy of which is enclosed as Annexure '2' series and the same was also filed in the court below and after solemnizing their marriage in the Kali Mandir they are living together and as per the petition the victim girl was carrying a pregnancy of six months out of the said wedlock. The medical certificate of the State Health Society, Bihar showing registration of the name of victim lady as wife of appellant no. 4, her being of 19 years old and carrying pregnancy has also been brought on record.

In the given facts and circumstances, considering the nature of the materials, there being no specific allegation against appellant no. 1 and 2 and the fact that the appellant no. 4 and the victim girl have solemnized marriage and are living together as husband and wife the victim girl is aged about 19 years, this Court



sets aside the impugned order.

Let the appellants no. 1, 2 and 4 above named in the event of their arrest or surrender within a period of four weeks from today in connection with Ballia P.S. Case No. 121 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Spl. Judge SC/ST (POA), Act, Begusarai, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This appeal stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

