

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.536 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Arun Kumar Son of Dahaur Sah Resident of Village - Gauspur Sarsauna, P.S.- N.H. Bangra, Dist.- Samstipur.
 2. Dahaur Sah Son of Late Khubilal Sah Resident of Village - Gauspur Sarsauna, P.S.- N.H.Bangra, Dist.- Samstipur.
 3. Chandrakala Devi W/o Dahaur Sah Resident of Village - Gauspur Sarsauna, P.S.- N.H.Bangra, Dist.- Samstipur.
 4. Bebi Devi W/o Santosh Kumar Resident of Village - Gauspur Sarsauna, P.S.- N.H.Bangra, Dist.- Samstipur.
 5. Santosh Kumar Son of Dahaur Sah Resident of Village - Gauspur Sarsauna, P.S.- N.H.Bangra, Dist.- Samstipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Siyaram Pandey, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 01-10-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through video conferencing.

The instant appeal has been preferred by the appellants against the order dated 7.1.2020 passed in A.B.P. No.3190 of 2019 by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur whereby the prayer for anticipatory bail of the appellants was rejected.

The allegation as per the complainant in the



protest-cum-complaint petition is of kidnapping of the complainant's daughter by the appellant no.1 and other accused persons.

It is submitted by learned counsel for the appellants that initially an F.I.R (Annexure-2) was registered under sections 363, 365 and 34 of the Indian Penal Code and sections 3(1)(r) and 3(1)(s) of the SC and ST (Prevention of Atrocities) Act. After investigation of the case, finding the case to be false, final form (Annexure-3) was submitted on 31.7.2018. It is submitted that after a delay of nearly 7 months, on 2.3.2019 a protest-cum-complaint petition was filed, in which the instant application for bail has been made. It was on 22.11.2019 that cognizance was taken in the case. It is further submitted that from perusal of Annexure-5 to the petition it would transpire that the daughter of the informant has been opined to be a major by the medical board and in course of investigation in her statement under section 164 Cr.P.C. she had stated that her father had lodged a false case/F.I.R.

The appeal is opposed by learned Spl.PP for the State.

Having heard learned counsel for the parties and taking into consideration the submission made on behalf of the appellants together with the documents brought on record



including the final form submitted against the appellants, the Court is inclined to allow the instant appeal.

The order dated 7.1.2020 passed in ABP No.3190 of 2019 by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur is set aside.

The appeal is allowed.

The appellants in the event of their arrest or surrender within eight weeks, are directed to be enlarged on bail in connection with Complaint Case no. 102 of 2019/T.R no.1249/2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur.

(Partha Sarthy, J)

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