

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1560 of 2020

Arising Out of PS. Case No.-47 Year-2020 Thana- SAHARSA District- Saharsa

1. ASHOK SINGH @ ASHOK PRASAD SINGH S/O Gajendra Prasad Singh Resident of D.B. Road, Ward No. -10, P.S. - Saharsa Sadar, District - Saharsa.
2. Jaymala Devi W/O Ashok Singh @ Ashok Prasad Singh Resident of D.B. Road, Ward No. -10, P.S. - Saharsa Sadar, District - Saharsa.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mr. C. Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Re. I.A. No. 1 of 2020

The present interlocutory application has been filed on behalf of the appellants for condoning the delay in filing the instant appeal.

For the reasons stated in paragraph nos. 5 and 6 of the I.A. and the submissions made in support thereof, I.A. No. 1 of 2020 is allowed. The delay in filing the instant appeal is condoned.



Re. Cr. Appeal (SJ) No. 1560 of 2020

Heard learned counsels for the parties.

The matter relates to grant of anticipatory bail to the appellants in connection with Sadar Saharsa P.S. Case No. 47/2020 registered for the offences under Sections 363, 366(A), 34 of the Indian Penal Code, section 8 of POCSO Act and section 3(i)(r)(v2)(sa) of SC/ST Act.

The prosecution case, in brief, is that the accused persons forcibly took away the daughter of the informant and when the informant reached the house of accused persons for inquiry, she has been abused by them using her caste name and also threatened to kill.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The appellants have been made accused only for the reason that they happened to be parents of co-accused namely, Golu Singh. Golu Singh has eloped with the daughter of the informant. The daughter of the informant has filed a petition before the Investigating Officer stating that she left the house out of her own will. The same has been indicated in paragraph



34 of the case diary by the I.O. The main allegation is against the co-accused Golu Singh. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 03.03.2020 passed by learned 1st Additional Sessions Judge -cum- Special Judge, Saharsa in Record No. POCSO 5/2020, arising out of Sadar Saharsa P.S. Case No. 47/2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, Saharsa in connection with Sadar Saharsa P.S. Case No. 47/2020.

(Sudhir Singh, J)

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