

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1697 of 2020

Arising Out of PS. Case No.-321 Year-2019 Thana- CHANPATIA District- West Champaran

1. RAMAYAN SAH Son of Late Chhathu Sah
2. Ruby Kumari Daughter of Gopaljee Sah
3. Bittu Kumar Son of Gopaljee Sah all are Resident of Village- Chuhari,
Police Station- Chanpatia, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai, Adv.

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2020 Learned counsel for the appellants submits that

appellant nos. 1 and 3 has been arrested by the police, therefore,
this appeal as against appellant nos. 1 and 3 has become
infructuous.

Accordingly, this appeal against appellant nos. 1 and 3
is dismissed as infructuous.

So far as appellant no. 2 is concerned following order
is being passed:-

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through virtual court
proceedings.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 28.02.2020 passed by learned 1st Additional District and Sessions Judge-cum Special Judge, SC/ST/POCSO, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 321 of 2019 registered under Sections 366/34 of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(i) (r) (3), 3(ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case as lodged by the informant is that he is by caste Gorh which comes under SC. He states that he had gone to Napal for earning his livelihood where his wife Nirmala Devi informed about kidnapping of his daughter. His wife further informed that on search, she could learnt that Sonu Kumar @ Pritam Kumar Son of Gopaljee Sah with the help of others kidnapped his daughter for the purpose of marriage and while she had gone to make inquiry at the house of said accused, all the accused persons abused her by caste name and got free from their door on committing marpit with her. On the said information, the informant came to his house and then given application to the SHO in the matter.

It is submitted by learned counsel for the appellant that appellant is innocent and has been falsely implicated in this



case. He submits that date of occurrence is 21.12.2018 but FIR was lodged on 03.10.2019 after delay of 9 and half months without any explanation. He further submits that appellant bears no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum Special Judge, SC/ST/POCSO Act, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 321 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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