

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4978 of 2019**

Arising Out of PS. Case No.-182 Year-2019 Thana- BARARI District- Katihar

MD. SAJJAD, Son of Md. Sharif Resident of Village - Laxmipur, P.S.- Barari,  
District- Katihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Umesh Prasad, Advocate.

For the Respondent/s : Mr.Binay Krishna, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      19-02-2020                      Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 29.08.2019 by the learned A.D.J.-I cum Special Judge, Katihar in A.B.P. No. 76 of 2019, arising out of Barari P.S. Case No. 182 of 2019 registered under Sections 366A, 504 and 506/34 of the Indian Penal Code and Sections 3(i)(s)(ii), 3(i)(w)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that though there is allegation of kidnapping of the daughter of the informant, however Annexure-3 would reveal that the victim has already married with the appellant. Victim was major on the date of occurrence



of kidnapping as well as on the date of marriage which would be evident from the date of birth of the victim entered in the Aadhar Card, a copy at Page-17.

Considering the aforesaid factual position, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

If the court below would receive any complaint that



after grant of anticipatory bail appellant has broken up his relationship with the victim that would be a ground for cancellation of bail by the court below itself.

**(Birendra Kumar, J)**

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