

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5705 of 2019

In
CRIMINAL MISCELLANEOUS No.75659 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- SHAMBHUGANJ District- Banka

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1. RABINDRA YADAV Son of Manilal Yadav
 2. Indu Devi Wife of Rabindra Yadav
 3. Sourav Kumar @ Sourabh Kumar Son of Rabindra Yadav
All Residents of Village-Sotichak, P.S-Shambhuganj, District-Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Atul Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 24-02-2020 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 01.07.2019 by the learned Additional Sessions Judge-I, Banka, in Shambhuganj Police Station Case No.31 of 2019, registered under Sections 341/323/366A/504/506/34 of the Indian Penal Code, Section 12 of the POCSO Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Raushan Yadav son of appellant Rabindra Yadav eloped with the minor daughter of the informant with intent to marry with her. The victim girl in her statement under Section 164 Cr.P.C. stated that she had voluntarily gone with Raushan Yadav as she has love with him. She expressed the desire that she is still willing to marry with Raushan Yadav.

Allegation against the appellants is that they abused to the informant when the informant went to make a complaint regarding conduct of Raushan Yadav.

Considering the entire facts of this case, non-grant of protection to the appellants would result in miscarriage of justice. Hence, let the appellants, above named, in the event of their 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) each 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 Code of Criminal Procedure as well as condition that the appellants 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 appellants.

The appellants shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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