

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1271 of 2021

Arising Out of PS. Case No.-329 Year-2015 Thana- DUMRA District- Sitamarhi

1. SAHAB KUMAR @ BABU SAHEB, Son of Hari Sah Resident of Village- Hariharpur, P.S.- Dumra, District- Sitamarhi.
2. Indu Devi @ Bindu Devi, Wife of Hari Sah Resident of Village- Hariharpur, P.S.- Dumra, District- Sitamarhi.
3. Hari Sah, Son of Bhagat Sah Resident of Village- Hariharpur, P.S.- Dumra, District- Sitamarhi.
4. Mukesh Sah, Son of Hari Sah Resident of Village- Hariharpur, P.S.- Dumra, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ritesh Kumar Narain Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-07-2021 Heard Mr. Ritesh Kumar Narain Singh, learned

counsel for the appellants and Ms. Usha Kumari-I,

learned Special Public Prosecutor for the State.

The appellants have challenged the order dated

25.09.2020, passed by the learned 1st ADJ cum Special

Judge (SC / ST Act), Sitamarhi, in A.B.P. No. 858 of

2020 / 126 of 2020, arising out of Dumra P. S. Case

No. 329 of 2015, whereby the prayer made on behalf

of the appellants for grant of anticipatory bail for the



offences punishable under Sections 341, 323, 363, 366A, 504, 506 and 34 of the Indian Penal Code and Section 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The 15 year old daughter of the informant is said to have been abducted by appellant no. 1 for the purposes of marrying with her. The appellant nos. 2 and 3 are the mother and father of appellant no. 1 respectively whereas appellant no 4 is his brother.

The learned counsel for the appellants has submitted that the victim girl is more than 18 years of age on the date of occurrence. Her statement recorded under Section 164 Cr.P.C. has been brought on record in which she has disclosed her age to be 21 years and has stated that she has married appellant no. 1 of her own choice. The present case has been filed by her father because he was not happy with her marriage with appellant no. 1. Her father wanted to marry her to



another person of her caste.

Apart from this, the learned counsel for the appellants has brought on record a copy of the Aadhar Card showing the date of birth of the victim to be of the year 1997.

Regard being had to the afore-stated facts, it appears that the accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been made only for the purposes of giving serious colour to this case.

For the afore-stated reasons, the order dated 25.09.2020, passed by the learned 1st ADJ cum Special Judge (SC / ST Act), Sitamarhi, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of



Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st ADJ cum Special Judge (SC / ST Act), Sitamarhi, in connection with Dumra P. S. Case No. 329 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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