

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.397 of 2020**

Arising Out of PS. Case No.-401 Year-2019 Thana- TEGHRHA District- Begusarai

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1. MEERA DEVI, wife of Sanjay Mahto @ Sanjay Mahton,
2. Pintu Kumar @ Bittu Kumar, son of Sanjay Mahto @ Sanjay Mahton,
Both residents of village-Nonpur, P.S.-Teghra, District-Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam
For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 03-02-2021 Heard learned counsel for the appellants and
learned Special P.P. for the State.

By way of this memo of appeal under Sections 14
(A) (2) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities Amendment Act, 2015 appellants seek
for setting aside the order dated 09.01.2020 vide Special Case
No. 2225/2019 in connection Teghra P.S. Case No. 401/2019
and registered under Sections 363, 366(A) of the Indian Penal
Code and Sections 3 (i)(r) (S) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) by the learned
Special Judge (S.C./S.T. Act), Begusarai.

Prosecution case in brief is that the informant gave
a written information that his minor daughter was kidnapped by



one Sittu Kumar on 19.04.2019 and when the informant went to the house of Sittu Kumar, then this appellant accused called him by caste name and openly shouted that they have kidnapped her daughter and they are retaining her with ulterior motive after forming common intention, there are specific allegations of procurement of minor girl. In the statement u/s 164 Cr.P.C. the victim reiterated the allegations. As kidnapping is an offence against lawful guardian-ship and also the appellants abused the informant by calling caste name. The offence is serious one and committed against the minor girl.

Learned counsel for the appellants submits that the appellants are innocent and have committed no offence but have been falsely implicated in this case. He submits that occurrence took place 19.11.2019 and FIR lodged on 22.11.2019 after delay of two days. There is no explanation of delay in this regard. The allegation as alleged against the appellants in the FIR is that when the informant went to the house of Situ Kumar, Sanjay Mahto and the wife of Sanjay Mahto and the elder son of Sanjay Mahto namely Pintu Kumar started abusing him by calling caste name as Dusadh. He further submits that the statement of victim has been recorded under Section 164 Cr.P.C. she is not against the name of the appellants.



Learned Special P.P. for the State opposed the prayer for bail and submits that perusal of the FIR itself, the appellants have abused him by calling caste name as Dusadh.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, the prayer for bail of the appellants are rejected.

Accordingly, this appeal is dismissed.

However, appellants are directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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