

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.554 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- BANDHUWA KURAWA District- Banka

1. SURESH SAH Son of Rudeshwari Sah Resident of Village - Baratikar, P.S. - Rajoun, District - Banka.
2. Bipin Sah Son of Suresh Sah Resident of Village - Baratikar, P.S. - Rajoun, District - Banka.
3. Beena Devi Wife of Suresh Sah Resident of Village - Baratikar, P.S. - Rajoun, District - Banka.
4. Rohit Sah Son of Suresh Sah Resident of Village - Baratikar, P.S. - Rajoun, District - Banka.
5. Shekhar Mandal Son of Prem Mandal Resident of Village - Pipradih, P.S. - Rajoun, District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brij Nandad Prasad
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-03-2021 Heard both sides.

The appellants filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) against the order dated 18.12.2019 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, Banka in ABP No. 1753/2019 by which prayer for anticipatory bail of the appellants has been rejected and for grant of anticipatory bail in Bandhuwa Kurawa P.S. case No. 42/2019, registered under Section 366A/ 34 of the IPC and u/s 3(i) (x) of SC/ ST Act.

The learned counsel for the appellants submits that informant, Bhukhan Paswan, alleged that while his daughter



went to attend the call of nature, Pawan Shah and Shekhar Mandal kidnapped his daughter. When the informant went to the house of Pawan Sah, parents of Pawan Sah abused him by naming his caste and threatened to kill him.

The learned counsel for the appellants submits that victim appeared in court and made her statement u/s 164 of the Cr. P. C. She disclosed that she voluntarily left her house and went to Shyam Bazar where she called Pawan Sah on telephone and both went to Kolkata and Delhi. They solemnized marriage and they are living together as husband and wife. It is submitted that victim was not kidnapped. No offence under any Sections of the SC/ST Act is made out. The informant himself alleged that he went inside the house of parents of Pawan Sah. No such occurrence took place in public place with a view to humiliate the informant. The appellants are father, brothers, mother and villager of Pawan Sah.

Considering the submissions and regard to the facts, it appears that victim herself denied the factum of her kidnapping. She accompanied Pawan Sah to Kolkata and Delhi and thereafter solemnized marriage with him. The informant went to the house of parents of Pawan Sah to enquire about the facts and on such his parents are alleged to have abused and threatened him. The occurrence did not take place in public view, with an object to humiliate the informant.

Taking into consideration the facts aforesaid, I find that the appellant deserves anticipatory bail. Accordingly, this appeal is allowed and the impugned order dated 18.12.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Banka in ABP No. 1753/2019 is set aside. The appellants, above named, in the event of their arrest/



surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, SC/ST Act, Banka in connection with Bandhuwa Kurawa P.S. case No. 42/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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