

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1764 of 2021

Arising Out of PS. Case No.-164 Year-2018 Thana- KALYANPUR District- Samastipur

MANJAY SAHNI S/o- Lakshman Sahni @ Lakshman Chaudhary Resident of
Village - Sambhupatti, P.S. - Samastipur (Muffasil), District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Mohan Kateryar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 20-07-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 21.01.2021 passed by the learned 1st Additional Sessions Judge -cum-Special Judge, Samastipur in A.B.P. No. 2289/2020 arising out of Kalyanpur P.S. Case No. 164/18, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences under Sections 363, 366(A), 354(D)(1), 343 and 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w) of SC/ST (POA) Act has been rejected.

The 13 years old daughter of the informant is said



to have been abducted by the appellant and others.

Learned counsel for the appellant has tried to impress upon this court that the parentage of the appellant has not been stated in the F.I.R. but during the course of investigation, there appears to be an interpolation in the name of the father of the appellant. In fact, there are two persons with the same name. One is the son of Lakhi Sahni whereas the appellant is the son of Laxman Sahni. He is but resident of a different village. On this ground, it has been argued that identification of the appellant has become suspect in the eyes of law. He further submits that the victim was recovered and has taken the names of four persons including the appellant but has not specified the identity of any one of the accused persons including the appellant.

Thus, it has been urged that the implication of the appellant in this case is motivated and that he has falsely been implicated in this case.

These grounds may not be good for grant of anticipatory bail to the appellant as according to the First



Information Report and the statement of the victim, the offence under the SC/ST (Prevention of Atrocities), Act and under the Indian Penal Code would be made out and in such cases, there is a proscription for granting anticipatory bail.

The prayer of the appellant to interfere with the order refusing to grant anticipatory bail, is rejected.

However, if the appellant surrenders before the court below and seeks bail, his application shall be examined in detail whether the appellant has wrongly been identified to be one of the accused persons of this case and only after being satisfied, an order shall be passed without being prejudiced by the fact that the present appeal on behalf of the appellant has not been entertained.

(Ashutosh Kumar, J)

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