

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.701 of 2020

Arising Out of PS. Case No.-166 Year-2019 Thana- KHODAWANDPUR District- Begusarai

1. Rabindra Mahton S/o Ramashis Mahton
2. Asha Devi W/o Surendra Mahton
Both residents of Village- Bariyarpur (West) Ward No. 13, P.S.-
Khodawandpur, Distt.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shree Niwas Singh
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-03-2021 Heard both sides.

The appellants filed this appeal under Section 14(A) (2) of the S.C./S.T. Act against the order dated 03.01.2020 passed by learned Special Judge, S.C./S.T.(POA) Act, Begusarai by which the anticipatory bail of the appellants has been rejected in Khodawandpur P.S. Case No.166 of 2019 registered under Section 366A of the Indian Penal Code and under Section 3(x)(xi) of the S.C./S.T. Act.

The informant alleged that at about 2 A.M. in the night when he woke up, he found his daughter was missing from the house. The informant saw Dipak Kumar roaming around his house. During the course of search, the informant and his wife went to the house of Bithal Mahto. Surendra Mahto, Ravindra Mahton, mother of Dipak Kumar(appellant No.2) and others



used abusive language. The informant saw Dipak Kumar forcibly took his daughter on a motorcycle.

The learned counsel for the appellants submits that Dipak Kumar who is alleged to have kidnapped the victim has already been enlarged on regular bail. The petitioners are the uncle and the mother of Dipak Kumar. They have falsely been made accused only because they happen to be the uncle and the mother of Dipak Kumar.

Having considered the facts aforesaid and nature of allegation made against the appellants and the fact that no specific allegation is made against the appellants, the appeal is allowed, the order dated 03.01.2020 is set aside and let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, S.C./S.T.(Prevention of Atrocities) Act, Begusarai in connection with Khodawandpur P.S. Case No.166 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)

