

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.936 of 2020

Arising Out of PS. Case No.-307 Year-2017 Thana- PUPRI District- Sitamarhi

DEVENDRA MUKHIYA S/o Dihal Mukhiya @ Dilah Mukhiya R/o village-
Chainpura, P.S.- Pupri, District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-02-2021 Heard learned counsel for the appellant and learned APP
for the State.

The matter relates to grant of anticipatory bail to the appellant in connection with a case registered for the offences under Sections 366A/34 of the Indian Penal Code and Sections 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the accused persons including the appellant abducted the victim for the purpose of marriage.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The victim has been recovered. Her statement under Section 164 Cr.P.C. has been recorded, where she has admitted that she had left the house out of



her own will. It is further submitted that the victim has got married to the appellant and they have blessed with two children. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 29.01.2020, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi vide A.B.P. No.2494 of 2019/ 230 of 2019 in connection with Pupri P.S. case No.307 of 2017, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (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, Sitamarhi in connection with Pupri P.S. case No.307 of 2017.

(Sudhir Singh, J)

Narendra/-

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