

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1060 of 2020

Arising Out of PS. Case No.-292 Year-2019 Thana- RAJAPAKAR District- Vaishali

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1. Amardeep Kumar, Male, aged about 44 years, Son of Late Baleshwar Poddar, Resident of Village - Baranti, P.S.- Rajapakar (Baranti O.P.), Dist.- Vaishali.
 2. Raja Kumar @ Kishor Ranjan, Male, aged about 22 years, Son of Amardeep Kumar, Resident of Village - Baranti, P.S.- Rajapakar (Baranti O.P.), Dist.- Vaishali.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Rajesh Kumar, Advocate.
For the Informant	:	Mr. Santosh Kumar, Advocate.
For the Respondent	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 23-08-2021 Heard learned counsel for the appellants, learned counsel for the informant and learned Special P.P. for the State through Virtual mode.

The matter relates to grant of anticipatory bail to the appellants in connection with Rajapakar (Baranti O.P.) P.S. Case No. 292 of 2019, registered for the offences under Sections 363, 366(A), 341, 323, 354, 504, 506/34 of the I.P.C. read with Sections 3(r)(s), 3(2) (va) of SC/ST Act.

The prosecution case, in short, is that on 29.11.2019 at 9 O'clock, the daughter of the informant, namely, Nisha Kumari aged about 17 years, went from her house to the shop to bring some house article but she did not return. The informant searched her for her best level then she came to know that co-



accused Kunal Raj, the younger son of appellant no. 1, has forcibly kidnapped her daughter and taken away. When the informant and her daughter made complaint to the appellant no. 1 about the aforesaid facts then they were abused in filthy language by the appellants by taking their caste name and assaulted them, as a result of which, the informant became naked. The informant claimed that all the accused persons disappeared her daughter and they may kill her after insulting her or sell her.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. The victim girl has been recovered and her statement under Section 164 Cr. P.C. has been recorded. It has been alleged by the victim that she was taken by co-accused, namely, Kunal Raj at Rajasthan where on the pretext of marriage physical relationship was established between the parties. As far as appellants are concerned, there is no allegation of physical assault or sexual abuse alleged against them by the victim. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.



On behalf of the State and the informant, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 31.01.2020, passed in A.B.P. No. 177/2020 in connection with Rajapakar (Baranti O.P.) P.S. Case No. 292 of 2019 by learned A.D.J.-Ist-cum-Special Judge, Vaishali at Hajipur, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned A.D.J. Ist-cum-Special Judge, Vaishali at Hajipur, in connection with Rajapakar (Baranti O.P.) P.S. Case No. 292/2019.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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