

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2481 of 2021

Arising Out of PS. Case No.-77 Year-2019 Thana- LAURIA District- West Champaran

SUNARI DEVI @ SUSHILA DEVI, W/O TAR BABU @ TARA YADAV,
R/o village- Paroraha, P.S.- Lauriya, District- West Champaran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Gupta
For the Respondent/s : Ms. Usha Kumari No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-06-2021 Heard learned Counsel for the appellant and learned
Special Public Prosecutor for the State, through Video
Conferencing.

An order, dated 27.02.2021 passed by learned 7th
Additional Sessions Judge -cum- Special Judge (SC/ST Act),
West Champaran, at Bettiah, in B.P. No. 649 of 2021, is under
challenge in the present appeal preferred under Section 14-A(2)
of the Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby the regular bail application of
the appellant in connection with Lauriya Police Station Case
No. 77 of 2019 registered for the offences punishable under
Sections 363/366-A/34 of the Indian Penal Code, Sections 4/8
of the Protection of Children from Sexual Offences Act, 2012
and Section 3 (i) (r) (s) of the Scheduled Caste and Scheduled



Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The prosecution case, as per the First Information Report, is that the minor daughter of the informant is said to have been kidnapped by one Amresh Yadav, son of the appellant, for the purpose of marriage and when the informant went to the house of the appellant to make an enquiry, the appellant and other accused persons abused him by taking his caste name.

Learned Counsel appearing on behalf of the appellant submits that the appellant has not committed any offence in the manner alleged and she has falsely been implicated in this case merely because she happens to be the mother of co-accused Amresh Yadav, who is said to have kidnapped the minor daughter of the informant. He next submits that the appellant is in custody since 01.10.2020 and co-accused persons, namely, Tarbabu Yadav @ Tara Yadav (by order, dated 25.10.2019, passed in Criminal Appeal (SJ) No. 4004 of 2019) and Amresh Yadav (by order, dated 05.03.2021, passed in Criminal Appeal (SJ) No. 2133 of 2020), have been granted bail by co-ordinate Benches of this Court.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact



that the appellant is in custody since 01.10.2020 and co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the appellant.

Accordingly, this appeal is allowed and the order, dated 27.02.2021, passed in B.P. No. 649 of 2021, by learned 7th Additional Sessions Judge -cum- Special Judge (SC/ST Act), West Champaran, at Bettiah, is set aside.

Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge -cum- Special Judge (SC/ST Act), West Champaran, at Bettiah, in connection with Lauriya Police Station Case No. 77 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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