

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2984 of 2021

Arising Out of PS. Case No.-460 Year-2019 Thana- MAHUA District- Vaishali

Deepak Kumar @ Deepak Kumar Sah S/O Ram Ekbal Sah R/O Village-
Mahammadabad, Alawalpur, P.S-Sarai, District-Vaishali.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2021 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

Counsel for the appellant is directed to remove the
defect(s), as pointed out by the office, within a period of eight
weeks.

Learned counsel for the appellant submits that the
limitation, as pointed out by the office, be condoned in the light
of the order dated 08.03.2021, passed by the Hon'ble Apex
Court, in Suo Motu Writ Petition (Civil) No.03 of 2020.

Considering the submissions made on behalf of the
learned counsel for the appellant, the limitation, as pointed out
by the office, is condoned.

The appellant has challenged the order dated
24.09.2019 passed by learned A.D.J. 1st-cum-Special Judge,



Vaishali at Hajipur in connection with Mahua P.S. case No.460 of 2019 registered for the offences under Sections 363, 366/34 of the Indian Penal Code and Sections 3(i)(r)(i)(s)(ii) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the appellant along with three unknown persons abducted the wife of the informant and the accused persons including the appellant also abused the informant by taking his caste name.

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 alleged occurrence is said to have taken place on 21.07.2019 and the case was instituted on 13.08.2019. Delay has not been explained by the prosecution. The victim has been recovered. Her statement under Section 164 of Cr.P.C. has been recorded. In her statement, there is no allegation of kidnapping alleged against the appellant. 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.

Considering the aforesaid facts and circumstances, the order dated 24.09.2019 passed by the learned A.D.J. 1st-cum-Special Judge, Vaishali at Hajipur vide A.B.P. No.2332 of 2019 in connection with Mahua P.S. case No.460 of 2019 is set aside.

Let the appellant, 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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st-cum-Special Judge, Vaishali at Hajipur in connection with Mahua P.S. case No.460 of 2019.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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