

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3105 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- PAHARPUR District- East Champaran

1. RAMAYAN SHARMA Son of Late Deba Mistri Resident of village - Ghogha Ghat, Police Station - Gopalpur, District - West Champaran.
2. Meena Devi Wife of Ramayan Sharma Resident of village - Ghogha Ghat, Police Station - Gopalpur, District - West Champaran.
3. Dhiraj Kumar Sharma Son of Ramayan Sharma Resident of village - Ghogha Ghat, Police Station - Gopalpur, District - West Champaran.
4. Arbind Kumar Sharma Son of Ramayan Sharma Resident of village - Ghogha Ghat, Police Station - Gopalpur, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai
For the Respondent/s : Mr.Usha Kumari no. 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated

19.06.2021 passed by the learned 1st Additional Sessions
Judge -cum-Special Judge, SC/ST Act, East Champaran at
Motihari in A.B.P. No. 1423 of 2021 arising out of
Paharpur P.S. Case No. 90 of 2021, whereby the prayer
made on behalf of the appellants for grant of anticipatory
bail for the offences under Sections 366, 323, 379/34 of the



Indian Penal Code and Section 3(1)(r)(w) of SC/ST (POA) Act has been rejected.

The accusation in the First Information Report is that the appellants abducted the wife of the informant on the ground that she was too good to be the wife of the informant.

The learned counsel for the appellants has submitted that the victim has come back and has given her statement under Section 164 Cr.P.C. In the aforesaid statement, she has said that she had left her matrimonial home of her own volition but her husband has falsely implicated the appellants. It has further been submitted that the age of the victim has been assessed to be 19 years. It appears from the First Information Report that the appellant no. 4 was also interested in marrying the victim but she had already married the informant. The accusation in the F.I.R. specially with respect to violation of SC/ST (Prevention of Atrocities), Act does not appear to be correct. The appellant nos. 1 and 2 are the parents of appellant no. 4 whereas, appellant no. 3 is one of the brothers of appellant no. 4.



Considering the afore-noted background facts, the order dated 19.06.2021 passed by the learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST Act, East Champaran at Motihari, is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum-Special Judge, SC/ST Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 90 of 2021.

(Ashutosh Kumar, J)

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