

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3220 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- MAHILA P.S District- West Champaran

1. Arjun Kumar Yadav @ Mantu Yadav, S/o Rajesh Yadav @ Rajesh Prasad Yadav, R/o Village-Yamunapur, P.O.-Pharsahani, P.S.-Pathkhauri Bagaha, District-West Champaran.
2. Bittu Kumar @ Bittu Kumar Gond, S/o Pandit Gond, R/o Village-Yamunapur, P.O.-Pharsahani, P.S.-Pathkhauri Bagaha, District-West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeet Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 26-10-2021 Heard Mr. Sanjeet Kumar, the learned Advocate

for the appellants and Ms. Usha Kumari-1, the learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

13.07.2021 passed by the learned 1st Addl. Sessions

Judge-Cum-Special Judge, SC/ST, Bettiah, West



Champan in connection with Bagaha Mahila P.S. Case No. 51 of 2020, dated 04.11.2020, instituted for the offences under Sections 366 and 504/34 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The daughter of the informant is alleged to have been kidnapped. The informant suspected the hands of all the named accused persons including the appellants.

This Court, on an earlier occasion *vide* order dated 26.08.2021, had called for the case diary and had granted provisional bail to the appellants on the ground that it was not certain from the averments made in the F.I.R. as to who wanted to marry the victim girl. All that was stated in the F.I.R. was that one of the accused persons, namely, Horil had managed to get a telephone set reached to the victim through appellant No. 2 for her to talk stealthily with somebody who was desirous of marrying her. Considering this aspect of the matter, especially the vagueness in the accusation, the two appellants were



granted the privilege of provisional bail.

The victim appears to have been recovered and has also made a statement before the police in which she has alleged that she was abducted at the instance of the accused persons including the appellants.

In view of the aforesaid statement of the victim girl, I am not inclined to interfere with the order impugned in the present appeal, whereby the prayer for grant of anticipatory bail to the appellants has been rejected, notwithstanding the fact that the C.D.R. of the telephone of the victim and one of the accused persons, namely, Neeraj Kewat reflects continuous communication between them.

For the reasons afore-noted, the prayer made in the appeal is rejected.

The appeal stands dismissed.

The interim order passed by this Court dated 26.08.2021 is, hereby, withdrawn.

However, if the appellants surrender before the Court below and seek bail, their application shall be



considered on its own merits without being prejudiced by the fact that the present appeal on their behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

