

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3416 of 2021

Arising Out of PS. Case No.-154 Year-2019 Thana- BAHADURPUR District- Darbhanga

1. DHARMVEER SAH Son of Krishna Sah Resident of Village - Pansiha, P.S.- Bahadurpur (Pator O.P.), District - Darbhanga.
2. Krishna Sah @ Kishun Shau @ Kishun Sahu Son of Ramdev Sah Resident of Village - Pansiha, P.S.- Bahadurpur (Pator O.P.), District - Darbhanga.
3. Mangal Sah Son of Kali Sah Resident of Village - Pansiha, P.S.- Bahadurpur (Pator O.P.), District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kedar Jha, Advocate
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

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

Learned counsel for the appellants 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 appellants, the limitation, as pointed out



by the office, is condoned.

The appellants have challenged the order dated 22.02.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Darbhanga in connection with Bahadurpur (Pator O.P.) P.S. case No.154/2019 (G.R. No.65/2019) registered for the offences under Sections 366A, 504, 506/34 of the Indian Penal Code and Sections 3(i)(x)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that the informant's daughter was kidnapped by co-accused Govind Sah on the pretext of love affairs. It is also alleged that said Govind Sah and the appellants were making conspiracy and kidnapped her daughter. When informant reached at the house of Govind Sah and Dharmveer Sah, the accused persons including the appellants abused the informant by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The appellants are the parents of co-accused



Govind Sah. The victim has been recovered and she has shown her willingness to go with her husband Govind Sah. Vide Annexure 2 to the present appeal, no offence under Section 366A of I.P.C. is attracted in this case. 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 appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 22.02.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Darbhanga vide A.B.P. No.250 of 2021 in connection with Bahadurpur (Pator O.P.) P.S. case No.154/2019 (G.R. No.65/2019), is set aside.

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 furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Darbhanga in connection with Bahadurpur (Pator O.P.) P.S. case No.154/2019 (G.R. No.65/2019).



The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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