

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.822 of 2021**

Arising Out of PS. Case No.-199 Year-2019 Thana- BIBHUTIPUR District- Samastipur

1. TETRI DEVI WIFE OF HARI NARAYAN MAHTO R/o village- Pateliya, P.S.- Vibhutipur, District- Samastipur
2. PRANAV KUMAR @ PRANAB KUMAR SON OF HARI NARAYAN MAHTO R/o village- Pateliya, P.S.- Vibhutipur, District- Samastipur

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Apurva Kumar
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 16-08-2021 Heard learned counsel for the appellants and the State through virtual mode.

The matter relates to grant of anticipatory bail to the appellants in connection with Vibhutipur P.S. Case No. 199 of 2019 registered for the offences under Section 366A/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

Allegedly, the informant's minor daughter was enticed away by the accused persons. Further allegation is of abusing the informant by taking his caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



appellants. The appellants have falsely been implicated in the present case. The victim has been examined u/S 164 Cr.P.C. in which, she has stated that she had left the house out of her own sweet will. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST (Prevention of Atrocities) Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 24-01-2020 passed by learned Additional District & Sessions Judge-Ist, Samastipur in Vibhutipur P.S. Case No. 199 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional District & Sessions Judge-Ist, Samastipur in Vibhutipur P.S. Case No. 199 of 2019.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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