

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.912 of 2021**

Arising Out of PS. Case No.-366 Year-2016 Thana- DHAKA District- East Champaran

YASHUNANDAN RAI @ YASHNANDAN RAI @ ASHNANDAN
KUMAR S/O- KHANDERAN RAI @ KHEDAN RAI RESIDENT OF
VILLAGE- BALUA, P.S- CHIRAIYA, DIST.- EAST CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumari Sujata Sinha
For the Respondent/s : Mr.A.G.

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

2 12-04-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The appellant has challenged the order dated
02.09.2020 passed by learned Additional District and Sessions
Judge-cum- Special Judge, SC/ST, East Champaran at Motihari
in ABP No. 799 of 2020 in connection with Dhaka P.S. Case No.
366/2016 registered for the offences under sections 363, 366A,
34 of the Indian Penal Code and 3(I)(r)(I)(W) SC/ST Act
whereby the prayer made on behalf of the appellants for grant of
anticipatory bail has been rejected.



Prosecution allegation, in short, is that the accused persons abducted the daughter of the informant and also abused by taking caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. An affidavit has been filed by the victim which is on record and part of Annexure-1 in which she has stated that she has got married with the appellant and they have blessed with child and the present prosecution has been launched due to mistake of fact. No occurrence is said to have taken place within public view. Hence, no offence under SC/ST Act is made out 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, this Court is inclined to set aside the order dated 02.09.2020 passed by learned Additional District and Sessions Judge-cum-Special Judge, SC/St, East Champaran at Motihari in ABP No. 799 of 2020 by which the anticipatory bail of the appellant was rejected.



Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum- Special Judge, SC/St, East Champaran at Motihari in connection with Dhaka P.S. Case No. 366/2016.

The appeal stands allowed.

(Sudhir Singh, J)

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