

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.348 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- KORHA District- Katihar

VIKASH SINGH @ VIKASH KUMAR Son of Arjun Singh Resident of
Village - Mavaiya Vishnpur, P.s.- Kodha, Distt.- Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rohit Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Sanjeev Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 07.12.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, S.C./S.T. Act, Katihar in connection with Kodha P.S. Case No. 300 of 2021 registered under Sections 341, 323, 363, 366A, 504, 506 and 34 of the Indian Penal Code and Sections 3(1) (r) (s) and 3(2) (va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities Act).



Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that his daughter went with a friend (Vaishnavi) to make Pan Card on 25.06.2021 at around 2.00 PM, but she did not return, accordingly on 26.06.2021, the informant inquired about his daughter with Vaishnavi on phone on which he was informed that co-accused and appellant took her to Champanagar in a Scorpio vehicle and when the informant went to the house of co-accused, the informant along with others were abused taking their caste name and threatened of dire consequences.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that when daughter of the informant went out and did not return home on 25.06.2021 then why no inquiry was made on the same day and the informant started inquiring about his daughter a day after i.e., on 26.06.2021 this amply demonstrates that informant was well aware of the fact that the victim on her own volition had left the house. The learned counsel for the appellant next submits that the victim was recovered and her statement has been recorded under Section 161 Cr.P.C. in which she has



clearly stated that she was in love with Tinkesh Kumar, but thereafter when she went in clutches of her parents, she retracted and when her statement under Section 164 Cr.P.C. was recorded, the same was at variance with her statement recorded under Section 161 Cr.P.C. The learned counsel for the appellant next submits that though the statement of the victim in her statement under Section 164 Cr.P.C. was at variance with her statement recorded before the police but in her statement recorded under Section 164 Cr.P.C., the victim did not name the appellant, it is further submitted that from bare perusal of allegation as alleged in the FIR, it would manifest that prima-facie no offence under the SC/ST Act is made out but even presuming what has been alleged is true then the entire occurrence took place at the home of the accused person and not in publicly.

Learned Spl.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellant, but the learned counsel for the informant fairly submits that the victim in her statement under Section 164 Cr.P.C. has not named him.

Considering the submissions made by the learned counsel for the appellant, the order dated 07.12.2021 passed by



the learned 1st Additional District and Sessions Judge-cum-Special Judge, S.C./S.T. Act, Katihar in connection with Kodha P.S. Case No. 300 of 2021 is hereby set aside and the appellant, above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kodha P.S. Case No. 300 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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