

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1938 of 2022**

Arising Out of PS. Case No.-379 Year-2020 Thana- CHOUTARWA District- West
Champaran

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Sarif Ansari @ Guddu Son Of Aziz Ansari Resident of Village-Singhadi,
Ward No.-02, P.S.-Bagaha, District-West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahatma Ram son of late Sukhal Ram resident of village- Singhadi, ward
no. 3, P.S.- Bagha, District- West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate.
For the Respondent/s : Mr. Binay Krishna, APP.
For the Respondent No.2: Mr. Lalan Kumar Verma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-09-2022 Learned counsel for the appellant is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Umesh Chandra Verma, learned counsel
appearing on behalf of the appellant, Mr. Lalan Kumar Verma,
learned counsel for informant and learned Spl. PP for the State.

The present appeal under Section 14(A) (2) of the
Schedule Caste and the Schedule Tribe (Prevention of
Atrocities) Act, 1989, (hereinafter referred to as 'SC/ST Act')
has been preferred against the order dated 12.05.2022, passed by
learned Additional Sessions Judge-1st-cum-Special Judge,
SC/ST Act, West Champaran at Bettiah, in connection with



Chautarwa P.S. Case No. 379 of 2020, registered for the offences punishable under Sections 366A/34 of the Indian Penal Code and Sections 3(i)(r) of the SC/ST Act, whereby the prayer for grant of regular bail of the appellant has been rejected.

The prosecution case is based on a written report by the informant alleging therein that on 03.09.2020, the minor daughter of the informant had gone to attend the call of nature, in the meantime 3-4 persons including the appellant came on a tempo and forcibly took her away and on query from the people he came to know that the appellant along with others kidnapped her. On 06.09.2020, informant went to the house of the appellant, however, they have abused and assaulted him.

Learned counsel for the appellant submits that during the course of investigation, the statement of the victim was recorded under Section 164 of the Cr.P.C., wherein she has categorically stated that she left her house voluntarily, as she was in love with the appellant but her father had solemnized her marriage with some another person. She also stated that her parents have instituted a false case against the appellant. Further the victim was also examined by the Medical Board, where her aged has been assessed in between 17 to 19 years. He further submitted that in fact it is a case of love affair and both the



appellant and the victim voluntarily left their house and solemnized marriage and not only that victim has also given birth to a baby on 21.12.2021. He also submitted that the appellant having fair antecedent, is in custody since 20.04.2022.

On the other hand, learned counsel appearing on behalf of informant-respondent no.2 has vehemently opposed the appeal and submitted that the police after investigation having found the case true and submitted charge-sheet under Section 366A/34 along with 376 of the Indian Penal Code and Section 4 of the POCSO Act, apart from the penal provision of the SC/ST Act. He further submitted that in fact the appellant and his family member forcibly taken away the daughter of the informant and thereafter, solemnized marriage by using force and the marriage is void ab initio.

Learned counsel for the State has also opposed the present appeal.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of Cr.P.C. as also the age of the victim assessed by the Medical Board, apart from the fair antecedent of the appellant and period of incarceration, let the appellant, named above, be released on bail on furnishing bail



bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, SC/ST Act, West Champaran at Bettiah, in connection with Chautarwa P.S. Case No. 379 of 2020, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follows:-

(i) The appellant will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

Accordingly the impugned order dated 12.05.2022, is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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