

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2479 of 2022**

Arising Out of PS. Case No.-453 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

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Gulten Sahni @ Gulteni Sahni S/O Late Sukan Sahni Resident of village- Govind Pitauihiya, P.S.- Runnisaaidpur (at present Mahindwara), District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rama Shankar Manjhi S/O Prabhu Manjhi Resident of village- Rupaul Sahpur, P.S.- Runnisaaidpur, District- Sitamarhi

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Santosh Kumar, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

- 4      22-09-2022                      1. Heard learned counsel for the appellant and learned Special P.P. for the State.
2. The appellant has preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 22.03.2022 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (SC/ST) (POA) Act, Sitamarhi in connection with Runnisaaidpur P.S. Case No. 453 of 2018 registered under Sections 363, 366(A) and 34 of the Indian Penal Code and under Section 3(r) (s) of SC/ST Act.
3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.
4. Notice has been issued to Respondent no.2, served



upon, as per Letter No. 28 dated 01.09.2022, of S.P., Sitamarhi but informant failed to join present proceedings.

5. Appellant is named in F.I.R. and is in custody since 14.02.2022.

6. The allegation against the appellant is to kidnap minor daughter/niece of the informant for the purpose of illicit intercourse, along with other co-accused persons.

7. Learned counsel for the appellant submitted that there is no any allegation of kidnapping and also of sexual assault against this appellant, as per statement of victim recorded under Section 164 of the Cr.P.C. It is submitted that allegation against this appellant is very much general and omnibus, as nothing incriminating surfaced, as per statement of both of victims recorded under Section 164 of the Cr.P.C. It is further submitted that the face of F.I.R. is not speaking anything, which may suggest to gather that act of appellant is an atrocities within the meaning of act. While concluding the argument, it is submitted that appellant is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellant submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153)***



***AIC 276.***

9. Learned Special P.P. opposes the prayer of bail.

10. In view of the facts and circumstances, as mentioned above, as nothing incriminating stated against this appellant through statement of victims as recorded under Section 164 of the Cr.P.C., where appellant is a man of clean antecedent, let the appellant, above named, is directed to be released on bail in connection with Runnisaidpur P.S. Case No. 453 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

11. Accordingly, impugned order dated 22.03.2022 is set aside.

12. Hence, appeal stands allowed.

13. Presence of I.O. before this Court is dispensed with.

**(Chandra Shekhar Jha, J)**

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