

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4105 of 2021

Arising Out of PS. Case No.-297 Year-2021 Thana- TEKARI District- Gaya

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1. AKHILESH SAO @ AKHILESH KUMAR Son of Doman Sao @ Doman Saw Resident of Village - Chitaukhar, P.S.- Tekari (Mau O.P.) and District - Gaya.
 2. Munni Devi @ Muni Devi Wife of Doman Sao @ Doman Saw Resident of Village - Chitaukhar, P.S.- Tekari (Mau O.P.) and District - Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar No2, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 26.07.2021 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in a case registered for the offence punishable under Sections 366(A) and 34 of the Indian Penal Code and Sections 3(1)(r)(s)3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989 whereby anticipatory bail of the appellant has been rejected.

It is a case of abduction of the daughter of the informant.

It is submitted by learned counsel for the appellants that she stated that she went with the co-accused Shambhu Kumar her own sweet will because of love affairs with Shambhu Kumar. It is also submitted that the appellants have no concern with the incident and they have falsely been implicated



in this case. He further submits that after recovery, the victim got recorded her statement under Section 164 of the Cr.P.C. in which she stated that she went with the co-accused Shambhu Kumar. She has not whispered about the complicity of the appellants. He further submits that the provision of SC/ST Act is not attracted in this case.

Learned Special Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the appellants.

Having heard learned counsel for the parties, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 26.07.2021 passed in A.B.P. No.1860 of 2021 is hereby set aside.

The appellants are directed to be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Tekari P.S. Case No. 297 of 2021.

Brajesh Kumar/-

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(Sunil Kumar Panwar, J)

