

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4722 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- MAHILA P.S. District- Saran

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1. Prakash Rai Son of Late Manu Rai Resident of Village - Ram Nagar, P.O.- Sanrha, P.s.- Chapra Muffasil, Distt.- Saran at Chapra.
 2. Vickky Rai Son of Late Manu Rai Resident of Village - Ram Nagar, P.O.- Sanrha, P.s.- Chapra Muffasil, Distt.- Saran at Chapra.
 3. Amit Rai Son of Late Manu Rai Resident of Village - Ram Nagar, P.O.- Sanrha, P.s.- Chapra Muffasil, Distt.- Saran at Chapra.
 4. Bhaddu Rai @ Ramjee Rai Son of late Jagdish Rai Resident of Village - Ram Nagar, P.O.- Sanrha, P.s.- Chapra Muffasil, Distt.- Saran at Chapra.
 5. Kunti Devi W/o Late Manu Rai Resident of Village - Ram Nagar, P.O.- Sanrha, P.s.- Chapra Muffasil, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lalpari Devi Wife of Kishun Manjhi R/o vill- Ram nagar P.O- Sandha P.S.- Chapra Muffasil Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yugal Kishore
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 25.09.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Mahila P.S. Case No. 15 of 2021 under Sections 307, 384, 366/120B of the Indian Penal Code and



section 3(ii)(x)(xi)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that all the accused persons kidnapped the Puja Devi (daughter-in-law) and granddaughter of the informant and took away cash and ornaments. They also abused the informant by calling her caste name.

It is submitted on behalf of the appellants that the victim lady in her statement under Section 164 Cr.P.C has denied the prosecution case and she stated that out of her sweet will she solemnized marriage with Prakash Rai appellant no. 1. The victim lady has disclosed her age to be 25 years. No case under SC/ST Act is made out, as there is no allegation of abuse by caste name. Appellants have got clean antecedent.

Counsel for informant vehemently opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 25.09.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of eight



weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Mahila P.S. Case No. 15 of 2021.

(Prabhat Kumar Singh, J)

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