

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3918 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- LAURIA District- West Champaran

-
-
1. Mithlesh Yadav Tarababu Yadav @ Tara Yadav Resident of Village - Paroraha, P.S.- Lauriya, Distt - West Champaran.
 2. Khajanchi Yadav @ Khajanti Yadav Shambhu Yadav Residents of Village- Paroraha, Police Station- Lauriya, District- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Manjhi Motilal Manjhi R/o village- Paroraha, Police Station- Lauriya, District- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Milind Kumar Mishra
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr.Sanjeev Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 05-04-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor 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 in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 26.06.2019, passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST/POCSO Act, Bettiah, West Champaran, in connection with Lauriya P.S. Case No.77 of 2019, registered under sections 363, 366A, 34 of the IPC,



sections 4, 8 of the POCSO Act and sections 3(i) (r) (s) of the SC and ST (POA) Act.

Allegedly, the daughter of the informant was kidnapped by Amresh Yadav for the purpose of marriage. It is alleged that all the named accused persons including the appellants were involved in this occurrence and when the informant went to the house of the appellants for inquiring the same, he was abused in caste name and kicked out of the house.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation merely on the ground that the appellant no.1 and 2 are the brother and '*pattidar*' of co-accused Amresh Yadav. It is submitted that the statement of the victim was recorded under section 164 Cr.P.C. in which, she stated that she has solemnised marriage with Amresh Yadav and is living with her husband peacefully. It is further submitted that no case under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. Appellants have no criminal antecedent.

Learned counsel for the respondent no.2 has opposed the prayer for bail but fairly admitted this fact that the victim has



married with the co-accused Amresh Yadav.

Considering the facts and circumstances of the case, the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum- Special Judge, SC/ST/POCSO Act, Bettiah, West Champaran, in connection with Lauriya P.S. Case No.77 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

