

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.329 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- SAHIYARA District- Sitamarhi

1. Arun Kumar Son of Aghnu Sah R/o Bhootahi, P.S.- Sonbarsa, District- Sitamarhi, Bihar
2. Chanda Devi @ Chanda Kumari Wife of Arun Kumar R/o Bhootahi, P.S.- Sonbarsa, District- Sitamarhi, Bihar
3. Abhishek Mahto @ Abhishek Kumar Son of Ramashish Mahto R/o Bailbaans, P.S.- Malangwa, District- Sarlahi, Nepal
4. Puja Kumari Daughter of Rasanarayan Mahto R/v- Matiyar Kala, P.S.- Sahiyara, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Amrita Devi Wife of Rajkumar Paswan R/v- Matiyar Kala, P.S.- Sahiyara, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Smiti Bharti
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-05-2023 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 05.11.2022 passed by learned Additional Sessions Judge- VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Sahiyara P.S. Case No. 90 of 2022 under Sections 363, 366(A) of the Indian Penal Code and section 3(i)(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.

As per the prosecution case, the appellants along with co-accused persons kidnapped the minor daughter of informant for unlawful purpose.

It is submitted on behalf of the appellants in fact there is love affair between the co-accused Sunny Kumar and the victim girl. Appellant no. 1 brother-in-law (Jija), appellant no. 2 is elder daughter and appellant no. 4 is younger sister of co-accused Sunny Kumar. Appellant no. 3 has got nothing to do with the case. There is general and omnibus allegation. No specific overt act has been alleged against these appellants. Specific accusation is against co-accused Sunny Kumar. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellant nos. 1, 2 and 3 have got clean antecedents.

Counsel for State however vehemently opposed the prayer for bail.

Considering the aforesaid facts and gravity of offence, this criminal appeal stands dismissed.

(Prabhat Kumar Singh, J)

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