

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1936 of 2021

Arising Out of PS. Case No.-43 Year-2020 Thana- BIRUPUR District- Lakhisarai

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1. JANKI DEVI WIFE OF BIRJU RAM R/O VILLAGE- AND P.S.- BIRPUR, DISTRICT- LAKHISARAI.
 2. ARVIND RAM @ KARU RAM SON OF TULSI RAM R/O VILLAGE- AND P.S.- BIRPUR, DISTRICT- LAKHISARAI.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Manikant Paswan Chandradeo Paswan Resident of village- Birpur, P.S.- Birpur, District- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Ram Jiban Pd. Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-02-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertakes to remove the defects within four weeks.

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 of anticipatory bail vide order dated 14.12.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Lakhisarai in connection with



Birpur P.S. Case No.43 of 2020, registered under Sections 366(A)/34 of the Indian Penal Code and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants in association with other co-accused persons kidnapped the daughter of the informant.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. There is no specific overt act against the appellants. He submits that it is evident from the FIR, that neither the appellants nor any other co-accused person have even whispered about any caste name and as such no case under SC/ST act is made out. There is general and omnibus allegation against all the accused persons. The specific allegation is against the co-accused Rocky Kumar who is already in judicial custody. He further submits that the victim is a minor according to the medical report, therefore no offence under POCSO Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel



for the respondent no.2 opposed the prayer for bail by submitting that from the perusal of the case diary it is clear that there is specific allegation against the appellants to kidnap the minor daughter of the informant. It is further submitted that the victim has supported the prosecution case in her statement recorded under section 164 Cr.PC.

Having regards to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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