

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1105 of 2023

Arising Out of PS. Case No.-755 Year-2022 Thana- SARAIYA District- Muzaffarpur

1. NIRMALA DEVI Wife of Ram Pravesh Sahani Resident of Village - Gangaulia, P.S.- Saraiya, District - Muzaffarpur.
2. Sanjeet Kumar Sahni @ Chhotu @ Sanjeet Kumar Son of Bhola Sahani Resident of Village - Gangaulia, P.S.- Saraiya, District - Muzaffarpur.
3. Fulwa Devi Wife of Bhola Sahani Resident of Village - Gangaulia, P.S.- Saraiya, District - Muzaffarpur.
4. Rajeev Kumar Sahani Son of Bhola Sahani Resident of Village - Gangaulia, P.S.- Saraiya, District - Muzaffarpur.
5. Anshu Kumari Daughter of Ram Pravesh Sahani Resident of Village - Gangaulia, P.S.- Saraiya, District - Muzaffarpur.
6. Aarti Devi Daughter of Pratosh Kumar Sahani Resident of Village - Gangaulia, P.S.- Saraiya, District - Muzaffarpur.
7. Sanjeev Kumar Sahani @ Guddu @ Sanjeev Sahni Son of Bhola Sahani Resident of Village - Gangaulia, P.S.- Saraiya, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Devi Wife of Shailendra Paswan Resident of Village - Bahilwara Gangoliya, Post - Anikapur, P.S.- Saraiya, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-07-2023 Despite valid service of notice, no one appears for the respondent no. 2.

Heard learned counsel for the appellants and the State.

The present appeal is directed against the order dated 05.01.2023, passed in a case registered for the offence punishable under Sections 307, 341, 323, 504, 506/34 of the Indian Penal Code read with Sections 3 (i) (r) (s) (w) of the SC/ST Act, whereby anticipatory bail of the appellants has been



rejected.

It is alleged that the accused persons including these appellants kidnapped the daughter of the informant. It is further alleged that when they went to complain, all the accused persons assaulted the informant and abused her by caste name.

It is submitted on behalf of the appellants that earlier a case has been filed for kidnapping of the daughter of the informant in which the daughter of the informant denied the allegation of kidnapping. The daughter of the informant has already solemnized marriage with Vikash Kumar who is relative of these appellants. This case has been filed only to harass and humiliate. Insult not caused to the informant based on caste.

Learned counsel for the State oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 05.01.2023 is set aside.

Accordingly, in the event of arrest or surrender the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory 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 Session Judge-I-cum-Special Judge SC/ST, Muzaffarpur in connection with Saraiya P.S Case No. 755 of 2022, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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