

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3393 of 2021**

Arising Out of PS. Case No.-45 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

RAMBABU SINGH S/o Late Kishori Singh R/o village- Mashan, P.S.-  
Shyampur Bhataha, District- Sheohar

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithlesh Devi Parmeshwar Ram Resident of Village-Mashan,Dumari  
Katsari,P.S-Shyampur Bhataha ,District-Sheohar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Amrendra Kumar, Adv.  
For the Respondent/s : Mr.Binay Krishna, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      22-02-2023      Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State.

Notice has validly served upon the respondent no.2 but  
nobody appears on her behalf.

Learned counsel for the appellant is directed 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  
24.02.2021 passed by learned Additional Sessions Judge 1st  
cum Special Judge (SC/ST Act), Sheohar in connection with  
Shyampur Bhataha P.S. Case No. 45 of 2019 registered under  
Sections 363, 366A, 376 of the Indian Penal Code, 04 POCSO



Act and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that on 30.04.2019 at about 11:00 P.M., accused persons kidnapped the informant's daughter aged about 14 years for the purpose of marriage or to involve her in illegal work.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellant is not specific rather general and omnibus in nature. He further submits that the statement of victim girl has been recorded u/s 164 Cr.P.C. in which she has stated that she herself left her house and went with Raju. She further submitted that she solemnized marriage with Raju Kumar with her own sweet will. Learned counsel for the appellant further submits that the allegation of abusing the informant by taking her caste name is totally wrong and baseless. This allegation has leveled against the appellant for making the offence graver. He further submits that the similarly



situated co-accused has been granted anticipatory bail by this Court vide order dated 16.11.2019 in Cr.Misc.No. 3709 of 2019. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, as the similarly situated co-accused has been granted anticipatory bail, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge 1<sup>st</sup> cum Special Judge (SC/ST Act), Sheohar in connection with Shyampur Bhataha P.S Case No. 45 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)**

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