

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2854 of 2022**

Arising Out of PS. Case No.-56 Year-2022 Thana- NAGAR District- Vaishali

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1. BHULAN RAI @ BHULAN Son of Jagarnath Ray Resident of Village - Ramchaura, Ward No.- 12, P.S.- Hajipur Town, Dist.- Vaishali.
 2. Pinki Devi @ Rinki Kumari Wife of Bhulan Ray Resident of Village - Ramchaura, Ward No.- 12, P.S.- Hajipur Town, Dist.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Savitri Devi Wife of Vijay Paswan Resident of vill. - Ramchaura, Ward No.- 12, P.S.- Town Hajipur, Dist.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Informant	:	Mr. Ashok Kumar Kashyap, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 16-08-2023 1. Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** *vide* order dated 06.06.2022 in A.B.P. No. 1622 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 56 of 2022 registered for the offences punishable under Sections 363, 365, 366(A) and 34 of the Indian Penal Code as well as Sections



3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that on 04.04.2022, when she was sitting at her door with her husband, Suraj came and called her minor daughter aged about thirteen years who went with him but did not return, accordingly a search was made and on inquiry, the accused persons abused the informant with her caste name, it is next alleged that all the accused persons kidnapped the daughter of the informant with an intention to kill her.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case being own sister and brother-in-law of Suraj, it is next submitted that Suraj and the victim were in love and they eloped and the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she had stated that she has married Suraj as has been recorded in the order impugned also, it is further submitted that the victim has disclosed her age as eighteen years.

5. Learned Spl. P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellants but are not in a position to rebut the submission of the learned counsel for the appellants that the victim in her



statement recorded under Section 164 Cr.P.C. has not supported the case of the prosecution.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 06.06.2022 in A.B.P. No. 1622 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 56 of 2022 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hajipur Town P.S. Case No. 56 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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