

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3780 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- PIRPAINTI District- Bhagalpur

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1. Anil Yadav Son Of Late Ram Nath Yadav Resident Of Village - Mohanpur, P.S. - Pirpanti, District - Bhagalpur.
 2. Shanti Devi Wife Of Anil Yadav Resident Of Village - Mohanpur, P.S. - Pirpanti, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Mandal Son of Dipu Mandal Resident of village-Govindpur, Wadhwa Tola, Pirpaiti (Bekharpur), District-Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
		Mr. Dilip Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 24-05-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl. P.P. for the State.

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 11.08.2021 in A.B.A. No. 1034 of 2021 passed by the learned Exclusive Special Judge (POCSO)-cum-Additional District and Sessions Judge-VII, Bhagalpur in connection with Pirpanti (Bakharpur) P.S. Case No. 235 of 2020 registered for the offences punishable under Sections 366A and 34 of the



Indian Penal Code, Section 8 of the POCSO Act as well as Sections 3(i)(r)(s)(3)(2)(va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellant no.1 has antecedent of one case, appellant no.2 is a person with clean antecedent and are parents of Chandan and the informant alleges that his minor daughter went missing from the house on 01.12.2021, it is next alleged that on 28.11.2020, Chandan Yadav (who is driver of a tractor) had entered into the house of the informant but was caught and later he was set free on the intervention of nearby people. It is next alleged that the informant received information that Chandan enticed his daughter and took her away, accordingly the informant went to the house of Chandan where he was assured that the victim would be returned.

Learned counsel for the appellants submits that from perusal of the allegations as alleged in the FIR it would manifest that the informant himself has alleged that the victim was enticed by Chandan and thereafter she went missing, it is next submitted that as far as these appellants are concerned, the only allegation against them is that the informant came to their house but they assured that victim would return back. It is further submitted that victim till date has not returned but then Chandan



is in custody. Learned counsel next submits that the appellants being parents of Chandan have been falsely implicated without alleging any overt act against them and are senior citizens aged about 66 and 61 years respectively. Learned counsel next submits that the appellants will not abscond rather will cooperate in the investigation.

Learned Spl. P.P. for the State and 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 no specific allegation is alleged against them and from perusal of the allegation as alleged in the FIR it also appears that Chandan had enticed the daughter of the informant.

In view of the submissions made by the learned counsel for the appellants, the order dated 11.08.2021 in A.B.A. No. 1034 of 2021 passed by the learned Exclusive Special Judge (POCSO)-cum-Additional District and Sessions Judge-VII, Bhagalpur in connection with Pirpanti (Bakharpur) P.S. Case No. 235 of 2020 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) 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 Pirpainti (Bakharpur) P.S. Case No. 235 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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