

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3060 of 2022**

Arising Out of PS. Case No.-196 Year-2022 Thana- GARKHA District- Saran

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1. FIROZ ALI Son of Md. Shahid @ Shahid Mian Resident of village - Paschim Khadaha, P.S.- Garkha, District - Saran
 2. Isajun Nisha Wife of Md. Shahid @ Shahid Mian Resident of Village - Paschim Khadaha, P.S.- Garkha, District - Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Dev Kumar Paswan Late Anil Kumar Paswan R/O Village-East Khadhan, P.S.-Garkha, District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Shamimul Hoda, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 26-07-2023 1 . Heard learned counsel for the appellants, the State and respondent no.2.

2. The present appeal is directed against the order dated 01.07.2022, passed in a case registered for the offence punishable under Sections 363, 366A/34 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST (POP) Act, whereby anticipatory bail of the appellants has been rejected.

3. It is alleged that these appellants have kidnapped the minor sister of the appellant No.2 namely Sapna Kumari



and when the informant went to enquiry about her sister, appellant No. 2 abused the respondent No. 2.

4. It is submitted that victim is major, aged about more than 18 years and in her statement under section 164 Cr.P.C. she has stated that she had gone to the house of her sister namely Rinki Kumari at Shitalpur and nobody kidnapped her. There is nine days delay in lodging the F.I.R for which there is no legal explanation, which itself renders the entire prosecution doubtful. Appellants claims clean antecedent.

5.Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6.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 01.07.2022 is set aside.

7.Accordingly, in the event of arrest or surrender the appellant, 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 additional sessions judge-iii-cum-special judge, sc/st act, garkha, saran in connection with garkha sc/st, P.S. Case



No. 196/ of 2022, subject to the condition as laid down under
Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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