

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.931 of 2021**

Arising Out of PS. Case No.-142 Year-2020 Thana- DHURAIYA District- Banka

1. SHIV SHANKAR PANJIYAR @ SHIV SHANKAR PANJIYARA s/o Sadheshwar Panjiyar R/o village- Rangaon, p.s.- Dhoraiya, Dist- Banka
2. ASOTA DEVI w/o Shiv Shankar Panjiyar R/o village- Rangaon, p.s.- Dhoraiya, Dist.- Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shambhu Sharan Singh
For the Respondent/s : Mrs. Usha Kumari I

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

4 02-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 01.02.2023 but nobody appeared on behalf of the informant/respondent no.2.

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 12.11.2020 passed by learned Additional Sessions Judge-I cum Special Judge (SC/ST), Banka in



connection with Banka P.S. Case No. 142/2020, registered under Sections 366(A) and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the F.I.R. the allegation against the appellants is that they along with other co-accused persons kidnapped the minor grand-daughter of the informant with intention to marriage.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. The statement of the victim was recorded u/s.164 Cr.P.C. in which she has not supported the prosecution case. There is no specific overt act against the appellants to abuse the informant by taking his caste name. Hence, no case is made out against the appellants under SC/ST Act. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, let the above named appellants, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I cum Special Judge (SC/ST), Banka in connection with Banka P.S. Case No. 142/2020, 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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