

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3482 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- NARHATT District- Nawada

SUDHIR KUMAR Son of Shri Chauhan Resident of Village- Babhnaur,
Beldari, P.S.- Narhat, District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. MAHESH RAM Son of Nanku Ram Resident of Village- Hasapur, P.S.-
Narhat, District- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-12-2023 Heard learned counsel for the appellant and learned Special
Public Prosecutor for the State but in spite of valid service of
notice none is present on behalf of respondent no.2.

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
14.09.2022 passed by learned Exclusive Special Judge (SC/ST
Act), Nawada in connection with Narhat P.S. Case No. 82 of
2022 registered under Section 366A of the Indian Penal Code
and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act.



3. Appellant is said to have kidnapped the daughter of the informant.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics. It is further submitted that in her statement recorded under Section 164 Cr.P.C. the victim girl has not supported the prosecution case rather she has stated that she went to Mumbai on 20.03.2022 out of her own will as her family members used to torture her. It is further submitted that the victim girl is major one. In her statement, the victim girl has stated that she does not know any Sudhir Kumar (appellant). Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

6. In the facts and circumstances of the case and considering the statement of the victim girl recorded under Section 164 Cr.P.C., 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 Exclusive Special Judge (SC/ST Act), Nawada in connection with Narhat P.S. Case No.82 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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