

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4020 of 2022

Arising Out of PS. Case No.-45 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

RAJU SINGH @ RAJU KUWAR S/o Rupan Kumar R/o Village- Mashan,
Dumri Katsari, P.S.- Shyampur Bhataha, Distt- Sheohar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mithlesh Devi W/o Shri Parmeshwar Ram R/o Village- Mashan, Dumari Katsari, P.S.- Shyampur Bhataha, Distt- Sheohar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhubala Verma, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State informs the Court that in compliance of order dated 02.03.2023, she informed the respondent no.2 to plead in the present appeal through her counsel but nobody appears on her behalf.

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 17.10.2022 passed by learned 1st Additional District and Sessions Judge cum Special Judge, Sheohar in connection with



Shyampur Bhatha P.S. Case No. 45 of 2019 registered under Sections 363, 366A of the Indian Penal Code and Section 3(i) (r), 3(i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant along with other co-accused persons kidnapped the informant's daughter either for marriage or for indulging her in some immoral work.

It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. There is general and omnibus allegation against the appellant. The allegation of slating the informant in the name of her caste levelled against co-accused Janki Devi. It is further submitted that the statement of the victim has been recorded u/s 164 Cr.P.C. in which she has not supported the prosecution story and stated that she, with her own sweet will, went with the appellant at Ayodhya Dham and solemnized marriage with him and now they are living happily as husband and wife. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

Considering the facts and circumstances of the case as well as the statement of the victim u/s 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 1st Addl. District and Sessions Judge cum Special Judge, Sheohar in connection with Shyampur Bhatha P.S. Case No. 45 of 2019, 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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