

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3855 of 2022**

Arising Out of PS. Case No.-480 Year-2021 Thana- SAKRA District- Muzaffarpur

MD. ALTAF @ MD. AFTAB Son of Md. Raja R/V- Sakra Faridpur, P.S-
Sakra, Dist- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Umesh Chaudhary Son of Late Kailash Chaudhary R/V- Sakra Wajid, P.S-
Sakra, Dist- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Alok
For the Respondent/s : Mr.Sadanand Paswan

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

5 02-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Special P.P. for the State informs this Court
that they informed the informant, but nobody appears on behalf
of the informant today.

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 of anticipatory bail vide order dated
30.08.2022, passed by learned Special Court, SC/ST Act,
Muzaffarpur in connection with Sakra P.S. Case No.480 of
2021, registered under Sections 365, 366(A) and 34 of the



Indian Penal Code and Sections 3 (i) (r) (s) of the SC/ST Act.

The appellant alongwith other co-accused persons is said to have kidnapped the daughter of the informant for the purpose of marriage.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. The specific allegation is against the parents of the appellant that they abused and assaulted the the informant in public view. It is further submitted that the appellant has not abused the informant by naming his caste. It is submitted that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has not supported the prosecution case.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellant.

Considering the fact that the victim girl has not supported the prosecution case in her statement recorded under Section 164 Cr.P.C., let appellant, above named, 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 learned Special Court, SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No.480 of 2021, subject to the conditions 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)

S.KUMAR/-

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