

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4300 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- MADHUBAN District- East Champaran

1. YODHA SAHANI Son of Saryug Sahani R/V- Khairwa, P.S- Madhuban, Dist- East Champaran
2. Tilia Devi Wife of Chhotelal Sahani R/V- Khairwa, P.S- Madhuban, Dist- East Champaran
3. Sunita Devi @ Sumita Devi Wife of Birlal Sahani R/V- Khairwa, P.S- Madhuban, Dist- East Champaran
4. Gayatri Devi Wife of Ram Balak Sahani R/V- Khairwa, P.S- Madhuban, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Ram Son of Surendra Ram R/V- Khairwa, P.S- Madhuban, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhurendra Kumar
For the Respondent/s : Mr.s Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023 Perused the office notes.

2. As service of notice through ordinary mode has been received by respondent no.2 but respondent no.2 has refused to put his signature on the receipt. In such view of the matter, the service of notice upon respondent no.2 is deemed to be valid service of notice.

3. Although, this appeal has been listed under the heading 'For Orders (On Office Notes)' but, with consent of parties, it has been heard for final disposal at this stage itself.



4. Heard learned counsel for the appellants and learned Special P.P. for the State but none is present on behalf of respondent no.2.

5. 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 22.09.2022 passed by learned Special Judge (SC/ST Act), East Champaran at Motihari in connection with Madhuban P.S. Case No. 173 of 2022 registered under Sections 363, 366A, 504 & 506/34 of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. The appellants are said to have abducted the daughter of the informant in association of co-accused Nitish Kumar and when the informant rushed to make complain they slated him in the name of caste.

7. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further



submitted that the victim was in love with the co-accused, Nitish Kumar Sahani and has eloped with him voluntarily. It is further submitted that the victim in her statement recorded under Section 164 Cr.P.C. has stated that she is major and voluntarily married with co-accused Nitish Kumar. It is further submitted that victim girl was medically examined and in medical report her aged has been assessed as 18 to 20 years. Slating the informant in the name of caste is said to have been made at the house of the appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellant no.1 has two criminal antecedent rather appellant nos.2 to 5 have no criminal antecedent, as mentioned in para-3 of memo of appeal.

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

9. In the facts and circumstances of the case and the statement of the victim recorded under Section 164 Cr.P.C., 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), East Champaran at



Motihari in connection with Madhuban P.S. Case No.173 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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