

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.651 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- ISLAMPUR District- Nalanda

Usha Devi @ Sulekha Devi W/o Srikant Yadav R/o vill- Barchhi Bigha, P.S. - Ghoshi, Distt. - Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Pintu Devi W/o Sakti Kumar Paswan R/o vill - Keur, P.S. - Hulasganj, Distt. - Jehanabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Prasad Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the State.

3. This criminal appeal has been filed against the order dated 21.12.2023 passed by learned Additional District and Sessions Judge-VI, Bihar Sharif (Nalanda) in ABP No. 2365 of 2023 in connection with Islampur P.S. Case No. 412 of 2023, instituted under Sections 366(A)/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.



4. As per prosecution case, all the F.I.R. named accused persons, including this appellant, kidnapped minor daughter of informant for the purpose of marriage.

5. Learned counsel for the appellant submits that specific accusation of kidnapping is against co-accused Karu Kumar and appellant has been made accused in this case merely because she happens to be sister of co-accused Karu Kumar. During investigation, victim in her statement recorded under Section 164 Cr.P.C. has denied the prosecution case. F.I.R. does not disclose presence of any member of public when the incident occurred, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering statement of the victim recorded under Section 164 Cr.P.C., let the appellant, as named above, in the event of her arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI, Biharsharif (Nalanda) in ABP No. 2365 of 2023 in connection with Islampur P.S. Case No. 412 of 2023.



8. Accordingly, this criminal appeal is allowed and
impugned order dated 21.12.2023 is set aside with respect to
this appellant only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

