

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1062 of 2023**

Arising Out of PS. Case No.-200 Year-2022 Thana- LADANIA District- Madhubani

Md. Sakaljad Alam @ Md. Sakaljad @ Sakala, aged about 19 years (Male),  
S/O Sakir, R/O Village- Jhitkiyahi, (Lalu Nagar Tola), P.S- Ladaniya, District-  
Madhubani.

... .. Appellant

Versus

1. The State of Bihar.
2. Leela Devi @ Shanti Devi, (Female), aged about 42 years, W/O Suraj Ram,  
R/O Village- Fitkiyahi, P.S- Ladaniya, District- Madhubani.

... .. Respondents

**Appearance :**

|                    |   |                                                                |
|--------------------|---|----------------------------------------------------------------|
| For the Appellant  | : | Mr. Gagandeo Yadav and Mr. Ravi Prakash,<br>Advocates.         |
| For the O.P. No. 2 | : | M/S. Shivnandan Bharti, Priyanka and Bablu<br>Kumar, Advocates |
| For the State      | : | Mr. Sadanand Paswan, Spl. P.P.                                 |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

6      12-01-2024                      Heard learned counsel for the appellant, learned  
counsel for the respondent no. 2 and learned Spl. P.P. for the  
State.

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 of  
the appellant vide order dated 25.11.2022, passed by the learned  
Ist Additional Sessions Judge-cum-Special Judge, Madhubani,  
in A.B.P. No. 2063 of 2022, arising out of Ladaniya P.S. Case



No. 200 of 2022 registered for the offences punishable under Sections 363, 366, 504/34 of the I.P.C. and Sections 3(i)(r), (2)(a) of the SC/ST Act.

3. The prosecution case, in brief, is that the appellant is alleged to have kidnapped the daughter of the informant on the pretext of the marriage. It is further alleged that when the informant and her family members went to the house of the appellant for returning her daughter, the father of the appellant and his family members by abusing ousted them from the house.

4. It is submitted by learned counsel for the appellant that the appellant is quite innocent and has falsely been implicated in the present case due to ulterior motive. It is submitted that the occurrence took place on 05.07.2022 whereas the F.I.R. was instituted on 06.07.2022 after a lapse of one day for which no explanation has been given by the prosecution. It is submitted that the victim was recovered on 29.07.2022 from the furniture shop and her statement has been recorded under Section 161 of the Cr.P.C. in which she has stated that there was love affair between them since three years and without giving information to her parents, she solemnized marriage with the appellant and they are living as a wife and husband. It is submitted that the victim was medically examined by the doctor



and the doctor found the age of the victim as 20 years and according to the present physical and pathological examination, no medical evidence of sexual assault was found at the time of medical examination. It is further submitted that the statement of the victim was also recorded under Section 164 Cr.P.C. in which she has stated that no body had kidnapped her and no allegation of kidnapping or misbehaving were alleged by the victim against the appellant. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellant. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the medical report and statement of the victim under Section 164 of the Cr.P.C. , the impugned order dated 25.11.2022, passed by learned Ist Additional Sessions Judge-cum-Special Judge, Madhubani in A.B.P. No. 2063 of 2022, arising out of Ladaniya P.S. Case No. 200 of 2022, is set aside against the appellant. The criminal appeal is allowed.



7. Accordingly, 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 enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge, Madhubani, arising out of Ladaniya P.S. Case No. 200 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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