

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1407 of 2024

Arising Out of PS. Case No.-471 Year-2023 Thana- BAKHTIYARPUR District- Patna

-
1. Dhanmanti Devi Wife of Sonelal Kumar @ Sonalal Kumar Residence of Village- Dedaur, P.S.- Bakhtiyarpur, District- Patna
 2. Abhishek Kumar Son of Sonelal Kumar @ Sonalal Kumar Residence of Village- Dedaur, P.S.- Bakhtiyarpur, District- Patna
 3. Ranjay Kumar Son of Ramprit Rai Residence of Village- Dedaur, P.S.- Bakhtiyarpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sunita Devi W/o Rajdev Ram Resident of Village- Champapur, Ward no. 2, P.S. Bakhtiyarpur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Kumar Rajdeep, Adv. Mr. Rana Baljeet Singh, Adv.
For the State	:	Mr. Binay Krishna, Spl. PP
For the Respondent no. 2:	:	Mrs. Sanju Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-11-2024 This case is listed under the heading for ‘Office notes’.

2. Heard learned Senior counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

3. 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 03.02.2024 passed by learned Exclusive Special Court, SC/ST Act, Patna, in connection with Bakhtiyarpur P.S. Case No. 471 of 2023 registered under Sections 365/34 of the Indian Penal Code and Section 3(2)(V)a of the SC/ST Act.

4. The prosecution case, in brief, is that on 30.10.2023, informant received information through mobile that appellants along with other co-accused forcefully took her son from her house.

5. Learned Senior counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. He relies upon the judgment of the Hon'ble Apex Court passed in the case of *Asha Dubey vs. the State of Madhya Pradesh* [SLP (CRL.) No. 13123 of 2023] in which the Hon'ble Apex Court held that "the Court will have to see the circumstances of the case, nature of the offence and the background based on which such a proclamation was issued". Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

6. Learned counsel for the respondent no. 2 submits that in this case processes under Section 82/83 of Cr.P.C. has already been initiated against these appellants and as such, this



application is not maintainable. She further submits that the anticipatory bail application of one of the co-accused persons has been rejected by a Co-ordinate Bench of this Court vide order dated 03.10.2024 passed in Cr. Appeal (SJ) No. 1322 of 2024, on the ground that processes under Section 82/83 of Cr.P.C has been issued.

7. Considering the facts and circumstances of case and the fact that processes under Section 82/83 of Cr.P.C. has already been issued against the appellants and the anticipatory bail of one of the co-accused has already been rejected by a Co-ordinate bench of this Court, I am not inclined to enlarge the appellants on anticipatory bail. The prayer for anticipatory bail of the appellants is hereby rejected.

8. However, if the appellants surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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

