

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3417 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- SABAUR District- Bhagalpur

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1. GANGA MANDAL SON OF LATE RAMJI MANDAL @ RAM MURTI MANDAL VILLAGE SANTNAGAR, RAJANDIPUR, PS SABOUR, DIST- BHAGALPUR
 2. RENU DEVI WIFE OF GANGA MANDAL RESIDENT OF VILLAGE- SANTNAGAR, RAJANDIPUR, PS- SABOUR, DIST- BHAGALPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. PHULAN DEVI WIFE OF JAIKANT PASWAN RESIDENT OF VILLAGE- SANTNAGAR, RAJANDIPUR, PS- SABOUR, DIST- BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Jha
For the State : Mrs. Usha Kumari No. 01

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 03-12-2024 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.
2. An order, dated 06.07.2023, passed by learned 3rd Additional Sessions Judge -cum- Special Judge SC/ST Act, Bhagalpur, in ABP No. 1812 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Sabour Police Station Case No. 276 of



2023 registered for the offence punishable under Sections 363/366(A) of the Indian Penal Code and Section 3 (i)(x) (s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the daughter of the informant aged about 15 years was kidnapped by the son of the appellants, namely, Mithun Kumar, for the purpose of marriage. It has further been alleged that when the informant went to the house of the appellants to lodge a complaint, they abused the informant by her caste name.
4. Learned counsel for the appellants submits that the appellants have not committed any offence in the manner alleged and they have been made accused merely because they happen to be the parents of the co-accused Mithun Kumar. He next submits that the victim girl came at the police station, along with the co-accused Mithun Kumar, and her statement was recorded under Section 161 of the Code of Criminal Procedure and subsequently, under Section 164 of the Code of Criminal Procedure, in which, she has stated that she voluntarily went with the co-accused Mithun Kumar and solemnized marriage with



him as she was in love relationship with him for the last two years. He further submits that the allegation of abuse by caste name of the informant was not in full public view.

5. Despite information having been given by learned Special Public Prosecutor to the informant/complainant vide order, dated 20.12.2023, no one appeared on behalf of the respondent no. 2 and on the last occasion also no one had appeared.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the appellants are parents of the co-accused Mithun Kumar and abuse by caste name was not in full public view, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 06.07.2023, passed by learned 3rd Additional Sessions Judge -cum- Special Judge, SC/ST Act, Bhagalpur, in ABP No. 1812 of 2023, is set aside.
8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge -cum- Special Judge, SC/ST Act, Bhagalpur, in connection with Sabour Police Station Case No. 276 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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