

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4130 of 2023**

Arising Out of PS. Case No.-153 Year-2023 Thana- ROSHANGANJ District- Gaya

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1. DHANESHAR VISHWAKARMA @ DHANESHWAR MISTRI SON OF INDRADEO MISTRI VILLAGE- PADRI, PS- RAUSHNGANJ, DIST- GAYA
 2. USHA DEVI WIFE OF DHANESHAR VISHWAKARMA @ DHANESHWAR MISTRI VILLAGE- PADRI, PS- RAUSHNGANJ, DIST- GAYA
 3. GAUTAM VISHWAKARMA @ GAUTAM KUMAR SON OF DEVENDRA MISTRI @ DEVENDRA VISHWAKARMA VILLAGE- MANGRAMA, PS- GURUA, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. SUNITA DEVI WIFE OF SHRI SURENDRA CHOUDHARY VILLAGE- UCHALA, PS- RAUSHANGANJ, DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari I, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 22-08-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 14.08.2023 passed in a case registered for the offence punishable under sections 366 A and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has



been rejected.

3 . As per prosecution case , all the F.I.R., named accused persons including these appellants kidnapped the minor daughter of the informant for the purpose of marriage .

4. It is submitted on behalf of these appellants that the present case is counter blast of Taushanganj P S Case No . 150 of 2023 which was lodged by appellant No . 2 against informant sides. Specific accusation of kidnapping the daughter of informant is against co-accused person namely, Raja Vishwakarma . Appellants are father, mother and co-villager of co-accused Raja Vishwakarma . There is no any allegation of abused by caste name against these appellants, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

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

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Exclusive Special
Judge, SC/St Special Court, Gaya in connection with
Raushanganj Police Station Case No . 153 of 2023 .

(Prabhat Kumar Singh, J)

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