

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4106 of 2022**

Arising Out of PS. Case No.-453 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

SANOJ KUMAR @ SANOJ SAHNI @ SAROJ KUMAR S/o Gulten Sahni
@ Gulteni Sahni R/o Village- Gobind Pitaunjia @ Govind Pitaunjhiya, P.S.-
Runnisaidpur (At present Mahindwara), Distt- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rama Shankar Manjhi S/o Prabhu Manjhi R/o Village- Rupaul Sahpur, P.S.-
Runnisaidpur, Distt- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 3 04-04-2024 1. In view of the pleadings made in the limitation application the limitation in filing the appeal is condoned.
2. Accordingly, I.A. No. 01 of 2022 is allowed.
3. Heard learned counsel for the parties.
4. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.06.2022 in A.B.P. No. 877 of 2022/56 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Runnisaidpur P.S. Case No. 453 of 2018 registered under Sections 363 and 366/34 of the Indian Penal Code as well as Sections 3(r)(s) of the SC/ST Act.
5. Learned counsel for the appellant submits that the



appellant is a person with clean antecedent and the respondent no. 2 alleges that on 30.07.2018 his villager Ram Sakhi Devi, Inar Devi and wife of Naresh Sahni came to his house and took his minor daughter and niece aged about 14 and 15 years for worship in a temple but the victims did not return back home, accordingly, the respondent no. 2 along with his uncle went to the house of the accused to inquire and came to know that Gulden Sahni, Naresh Sahni, Ram Lalit Sahni, Bijay Kumar, Sanoj Kumar and Jipesh Sahni were missing from their house as such alleges that the accused persons in connivance kidnapped the victim for some illegal purposes and had concealed them.

6. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case. It is further submitted that the respondent no. 2 deliberately in the FIR alleges that victims were minor when from perusal of Annexure-2 and 3 to the memo of appeal, it would manifest that the same contains the statement of the victims recorded under Section 164 of the Cr.P.C. wherein they have not supported the prosecution case and have disclosed their age as 18 years. It is next submitted that victim Rupa Kumari in her statement recorded under Section 164 of the Cr.P.C. has stated that she was in love with Jitesh Kumar and has performed her marriage with him and is nine months' pregnant and she intends to go with her father-in-law and victim Nisha Kumari in her statement recorded under Section 164 of the Cr.P.C. has stated that



she has married Vijay Sahani on her own volition and she was not abducted and is carrying pregnancy of eight months and intends to go with her father-in-law. Learned counsel thus submits that when the victims, who are major, have not supported the case of the prosecution then no useful purpose would be served by sending the appellant no. 2 to jail.

7. Learned Special Public Prosecutor opposed the prayer for anticipatory bail.

8. Considering the aforesaid facts, let the appellant, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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