

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5056 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- JANTA BAZAR District- Saran

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1. SAIF ALI KHAN SON OF ALAM KHAN RESIDENT OF VILLAGE - BASAHI, P.S- JANTA BAZAR DISTRICT- SARAN AT CHAPRA
 2. BINIT KUMAR PANDEY @ VINEET KUMAR PANDEY SON OF SHRI GHANSHYAM PANDEY RESIDENT OF VILLAGE - BASAHI, P.S- JANTA BAZAR DISTRICT- SARAN AT CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. ANJU DEVI WIFE OF MUNNA MANJHI RESIDENT OF VILLAGE - BASAHI, P.S- JANTA BAZAR DISTRICT- SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-04-2024 1. Heard learned counsel for the appellants and Mr. Sadanand Paswan learned Special Public Prosecutor 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 referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.10.2023 in A.B.P. No. 3565 of 2023 passed by the learned Exclusive Special Judge, SC/ST Act, Saran at Chapra in connection with Janta Bazar P.S. Case No. 155 of 2023 registered under Sections 363, 366 and 366(A) of the Indian Penal Code as well as Sections 3(1)(r)(s)(w) of the



SC/ST Act.

3. Learned counsel for the appellants submits that appellants have antecedent of one case and have been falsely implicated in the present case by the respondent no. 2 with an allegation that the appellants entered her house along with other accused persons and forcibly kidnapped her daughter. It is further submitted that on intervention of the well wishers, the parties have compromised the case as the victim was known to Shahabuddin Ansari and they had eloped. It is next submitted that since the parties have compromised the case, no useful purpose would be served by sending the appellants to jail when allegation against them is also general and omnibus in nature. It is further submitted that though in the FIR, it is alleged that the victim is minor but then she has reached the age of discretion.

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

5. Considering the submissions made by the learned counsel for the appellants, let the appellants, above named, in the event of their 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 bonds of Rs.5,000/- (rupees five thousand) each 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.

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

7. However, the learned trial court before accepting the bail bonds of the appellants shall verify from the respondent no. 2 that as to whether the case in between the accused persons including the appellants and the respondent no. 2 has been compromised or not and if it is found that the case has not been compromised or the respondent no. 2 raises an objection with regard to the compromise in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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