

Arising Out of PS. Case No.-39 Year-2024 Thana- MADHUBAN District- East Champaran

- Appellant/s

Versus

- Respondent/s

Appearance :

For the Appellant/s : Mr. Dhurendra Kumar , Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-02-2025 Heard learned counsel for the parties. Despite
filing vakalatnama nobody appears on behalf of respondent No.
2.

2. This appeal has been filed for setting aside order dated 01.04.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 376, 379, 504, 506 and



34 of the Indian Penal Code and sections 3(1) (r) (s) (w) (ii) , 3 (2) (v) (a) of the Scheduled Castes and Scheduled Tribes (POA) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 12.08.2023 , co-accused Raja Kumar Sahani took the informant to Bhatinda , where he established physical relation with informant on the promise of marriage and took her gold jhumka worth Rs. 22,000/- Mangalsutra worth Rs. 60,000/- Nathiya Manhtika worth Rs. 45,000/- and Rs. 35,000/- cash . It is further alleged that when she came back to her house along with co-accused Raja Kumar Sahani , then these appellants demanded Rs. 5 lakhs and bullet motorcycle as dowry and abused informant by caste name and assaulted her.

4. It is submitted on behalf of these appellants that specific accusation of kidnapping is against co-accused Raja Kumar Sahani . So far as these appellants are concerned, they have falsely been implicated in this case merely because they happens to be the family members of the co-accused Raja Kumar Sahani. Moreover, a good sense prevailed in between the parties and the matter has been compromised between them. The informant and co-accused Raja Kumar Sahani are living as



husband and wife . It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Learned Public Prosecutor 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 Special Judge SC/St Act East Champaran Motihari in connection with Madhuban Police Station Case No. 39 of 2024 .

(Prabhat Kumar Singh, J)

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