

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2971 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHESHKHUNT District- Khagaria

1. Sunny Kumar son of Najju Mandal @ Najo Mandal Village- Dharampur Banni Ps- Maheshkhunt Dist- Khagaria
2. Manju Devi wife of Najju Mandal @ Najo Mandal Village- Dharampur Banni Ps- Maheshkhunt Dist- Khagaria
3. Najju Mandal @ Najo Mandal son of Darogi Mandal Village- Dharampur Banni Ps- Maheshkhunt Dist- Khagaria
4. Sneha Kumari wife of Sunny Kumar Village- Dharampur Banni Ps- Maheshkhunt Dist- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi wife of Sunil Das Village- Samaspur Ps- Maheshkhunt Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. PP
For Respondent no.2	:	None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State. No one appears on behalf of respondent no.2 inspite of valid service of notice.

2. The instant appeal has been preferred against the order dated 17.5.2024 passed in Anticipatory Bail Petition no.23 of 2024 by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Khagaria and for grant of anticipatory bail in connection with Maheshkhunt P.S Case no.6 of 2024 registered under sections 363, 366A and 34 of the Indian Penal Code and



section 3(1)(r)(s) of the SC and ST (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant states that she was abused by Shravan Kumar on telephone in the name of her caste and her daughter was kidnapped for the purpose of marriage. It is further stated that all the accused persons have a hand in the kidnapping.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case because they happen to be the father, mother, brother and brother's wife of the said Shravan Kumar. The daughter of the informant returned and her statement was recorded under section 161 Cr.P.C. as also section 164 Cr.P.C. wherein she has not supported the prosecution case. She stated therein that she went from her house alone, called Shravan Kumar, married him and have been living in Delhi. She further states that she wants to live with Shravan Kumar. The appellants have no criminal antecedent.

5. The appeal is opposed by learned Special Public Prosecutor for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the appellants, the material that has transpired in course of investigation specially the contents of the statement of the



daughter of the informant recorded both under section 161 as also 164 Cr.P.C. together with the appellants not having any criminal antecedent, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 17.5.2024 passed in Anticipatory Bail Petition no. 23 of 2024 by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Khagaria is set aside.

8. It is directed that all the four appellants above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Maheshkhunt P.S Case no.6 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Khagaria.

(Partha Sarthy, J)

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