

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3048 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- SURSAND District- Sitamarhi

Shyam Ray SON OF Ganesh Ray Village- Bispatti, Ward No. 1, Ps- Sursand,
Dist- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Niranjan Ram Son Of Asharfi Ram Resident Of Village- Meghpur (Chhota),
Ward No. 10, Panchayat Dadhawari, Ps- Sursadnd, Dist- Sitamarhi

... .. Respondent/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 04-08-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 11.06.2024 passed by learned 1st Additional Sessions
Judge-cum-Special Judge (SC & ST) (POA) Act, Sitamarhi in
ABP No. 24/2024 100/2024 in connection with Sursand P.S.
Case No. 128 of 2024, instituted under Sections 366(A)/34 of
the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
whereby the prayer for anticipatory bail of appellant has been



rejected.

4. As per F.I.R., co-accused Dilip Rai and Kamlesh Kumar Sah kidnapped minor daughter of the informant for the purpose of prostitution. It is alleged that when informant went to the house of co-accused Dilip Rai, this appellant, who is father of co-accused Dilip Rai, abused him by caste name.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. Specific accusation of kidnapping the daughter of informant is against co-accused Dilip Rai and Kamlesh Kumar Sah. Appellant has been made accused in this case merely because he is father of co-accused Dilip Rai. It is not the case of informant that this appellant abused him within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional



Sessions Judge-cum-Special Judge (SC & ST) (POA) Act,
Sitamarhi in connection with Sursand P.S. Case No. 128 of
2024.

8. Accordingly, this criminal appeal is allowed and
impugned order dated 11.06.2024 is set aside with respect to this
appellant only.

(Prabhat Kumar Singh, J)

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