

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4016 of 2024**

Arising Out of PS. Case No.-59 Year-2024 Thana- KINJAR District- Jehanabad

Golu Kumar @ Abhishek Kumar S/o Krishna Mahto @ Krishna Singh R/o
Village- Jhikatiya, PS- Kinjar, District- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Soni Devi W/o Jhonki Manjhi R/o vill - Sarvoday Nagarv (Natwa Tari), P.S.
- Kinjar, Distt. - Arwal

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Sinha, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Umesh Kumar, Advocate
		Mr. Abhishek Anand, Advocate
		Mr. Md. Ali Anwar, Advocate
		Ms. Sristy Patel, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant.

2. This appeal has been preferred against the order dated 04.07.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Jehanabad, in connection with A.B.P. No. 774 of 2024, arising out of Kinjar (Kinjer) P.S. Case No. 59 of 2024, registered for the offences under Section 365 of the Indian Penal Code and Section 3(2) (va) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellant was rejected.



3. As per the prosecution case, the appellant is said to have taken the deceased to another State, to Katra, for work and while returning, the deceased, who was in a drunken state, left the train.

4. Learned counsel for the appellant submits that the appellant himself had lodged a report at the Railway Station regarding the missing of the alleged victim and that he has no role in the said incident. It is further submitted that nothing incriminating has come against the appellant in the case diary. It is also contended that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant; hence, the application for anticipatory bail is maintainable.

5. Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail.

6. From a reading of the F.I.R., it does not appear that the alleged occurrence was committed against the informant on the ground that she belongs to the S.C./S.T. community.

7. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 04.07.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T.



(P.O.A.) Act, Jehanabad, in connection with A.B.P. No. 774 of 2024 arising out of Kinjar (Kinjer) P.S. Case No. 59 of 2024, is hereby set aside.

8. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (P.O.A.) Act, Jehanabad / concerned Court below, in connection with Kinjar P.S. Case No. 59 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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