

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.9 of 2024

Arising Out of PS. Case No.-310 Year-2022 Thana- BIHARIGANJ District- Madhepura

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1. Navin Yadav SON OF NAND KISHORE YADAV RESIDENT OF VILLAGE- FATEHPUR, WARD NO. 10, PS- BIHARIGANJ, DIST- MADHEPURA
 2. NITISH YADAV SON OF NAWAL KISHORE YADAV RESIDENT OF VILLAGE- FATEHPUR, WARD NO. 10, PS- BIHARIGANJ, DIST- MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravindra Paswan S/O Digambar Paswan R/O vill Rajganj Ward no 12 , P.S -Bihariganj Dist Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Chand Prasad Mr. Pooja Prasad Mr. Manoj Kumar
For the Respondent/s	:	Mr. Binay Krishna
For the Informant	:	Mr. Binod Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 17-12-2025 1. Heard learned counsel for the appellants, learned counsel for the Informant and learned Special Public Prosecutor for the SC/ST Act.
2. An order, dated 07.11.2023, passed by learned Additional Session Judge I -cum- Special Judge SC/ST Act, Madhepura, in ABP No. 1410 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of



the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Bihariganj Police Station Case No. 310 of 2022 registered for the offence punishable under Sections 366/504/506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 20.11.2022, the appellants, along with co-accused Bhavesh Kumar Yadav, kidnapped the minor daughter of the informant and the informant, in search of his daughter, came to know that his daughter has been kept somewhere else. It has further been alleged that 10 days before the occurrence, the accused persons had threatened the informant of kidnapping his daughter.
4. Learned counsel for the appellants submits that the appellants have not committed any offence in the manner alleged inasmuch as the informant's daughter was having love affair with the co-accused Bhavesh Kumar Yadav. He next submits that the victim girl as well as co-accused Bhvesh Kumar Yadav have performed marriage and out



of wedlock one child has also born.

5. Learned counsel for the respondent no. 2 accepts the aforesaid position and submits that both the co-accused Bhavesh Kumar Yadav and the victim girl are residing peacefully as husband and wife.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there was love relationship between the co-accused Bhavesh Kumar Yadav and victim girl and they have performed marriage, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 07.11.2023, passed by learned Additional Session Judge I -cum- Special Judge SC/ST Act, Madhepura, in ABP No. 1410 of 2023, is set aside.
8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 learned Additional Session Judge I -cum- Special Judge SC/ST Act, Madhepura, in connection with Bihariganj Police Station



Case No. 310 of 2022, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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