

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.88 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- SAKRI District- Madhubani

Satnam Kumar Sah @ Satnam Kumar S/O Santosh Kumar Sah VILLAGE-
BHAWANIPUR WARD NO. 7, PS. SAKARI, DIST. MADHUBANI.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. KISHORI DAS S/O LATE MAHGU DAS VILLAGE- BHAWANIPUR,
WARD NO. 7, PS. SAKARI, DIST. MADHUBANI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ashok Kumar, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, Spl. P.P.
For the Informant	:	Mr. Bimal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 14-02-2025 Heard the parties.

2. This is an appeal under Section 14 (A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 28.11.2023 passed by learned Additional Sessions Judge – Ist -cum-Special Judge Madhubani in A.B.P. No. 2276/2023 in connection with Sakari P.S. Case No. 194 of 2023 registered under Sections 366/34 of the IPC and Sections 3(i)(r)(s), 3(ii) (va) of SC/ST (Prevention of Atrocities) Act, 1989.

3. As per prosecution case, informant’s younger



daughter is said to have been kidnapped by the appellant with an intention to marry her. It is alleged that informant alongwith others are said to have been abused by the parents of the appellant at his home.

4. Learned counsel for the appellant submits that appellant bears no criminal antecedents. He further submits that from the perusal of F.I.R. itself it is clear that the victim is major. He further submits that from scrutinizing the statement of victim recorded under Section 161 of Cr.P.C. it is crystal clear that the victim has left her parental home at her own will. She further stated that she left her parental home on account of she was being disgusted by the behavior of her parents. Finally, she returned back to her parental home when she realized her mistake. Further, she has denied the occurrence of kidnapping committed by anyone. He further submits that the statement of victim recorded under Section 164 of Cr.P.C. is totally inconsistent with the statement recorder under Section 161 of Cr.P.C. He further submits that the alleged occurrence has taken place in the house of the appellant and not in public view. Hence, no offence has been made out under the provisions of the SC/ST Act against the present appellant.

5. Learned counsel for the Informant as well as



learned Spl. P.P. for the State vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case, keeping in view the clean antecedent of the appellant, argument advanced on behalf of both sides and also taking into consideration the material available on record, the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/ (Rupees Twenty Thousand) with two sureties of the like amount to the satisfaction of the learned Additional Sessions Judge – Ist -cum- Special Judge, Madhubani in connection with A.B.P. No. 2276 of 2023 in connection with Sakari P.S. Case No. 194 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order passed by the trial court is hereby set aside and appeal stands allowed.

(Alok Kumar Pandey, J)

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