IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1980 of 2024

CNR No. BRHC010409932024

Arising Out of PS. Case No.-93 Year-2023 Thana- BHEJA District- Madhubani

==========

1. RAHUL KUMAR SAH @ RAHUL KUMAR SAHU SON OF YADUNANDAN SAH @ BINDESHWAR PRASAD SAHU @ BINDESHWAR PRASAD SAH RESIDENT OF VILLAGE- NARAHIYA WARD NO. 8 PS- NARAHIYA OP DIST- MADHUBANI
2. CHANDRAJIT SINGH @ BHAJAN BABA @ LALU SON OF HIRA SINGH RESIDENT OF VILLAGE- BHAWANIPUR, PS- BHEJA, DIST- MADHUBANI
3. RUPESH YADAV @ RUPESH KUMAR SON OF RAM CHANDRA YADAV RESIDENT OF VILLAGE- KISHNAPURI, PHULPARAS, WARD NO. 12, PS- PHULPARAS, DIST- MADHUBANI

... ... Appellant/s

Versus

The State of Bihar

... ... Respondent/s

==========

Appearance :
For the Appellants : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Binay Krishna, Spl.PP
For the Informant : Mr. Ashish Kumar Palit, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

5 29-10-2026 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 04.04.2024 passed in a case registered for the offence

WEB COPY

punishable under Sections 364 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. As per prosecution case, informant, namely Shankar Choupal, alleged that on 10.10.2023 at about 7 AM, his 19 years old brother, namely Pankaj Kumar, was abducted by four to five unknown accused persons in a vehicle. Informant suspects that his brother had been abducted in connection with love affair with a girl whose identity was unknown to him and her family members might have abducted brother of informant with intention of causing harm to him.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. Appellant are not named in the F.I.R.. Name of appellants transpired in this case during investigation. During investigation, the victim was recovered and his statement was recorded under Section 183 of the B.N.S.S. wherein he has not named these appellants as the kidnappers. It is further submitted that there is no allegation of

WEB COPY

abusing informant or his family members by caste name against these appellants and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against them.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and statement of the victim recorded under Section 183 of the B.N.S.S., this appeal is allowed and the impugned order dated 04.04.2024 passed by the learned Ist Additional Sessions Judge-cum-Special Judge, Madhubani in connection with A.B.P. No. 500 of 2024 arising out of Bheja P.S. Case No. 93 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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

WEB COPY

learned Ist Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Bheja P.S. Case No. 93 of 2023.

(Prabhat Kumar Singh, J)

shashank/-

U		T	

WEB COPY