

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4588 of 2024

Arising Out of PS. Case No.-1251 Year-2023 Thana- SHERGHATI District- Gaya

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Anil Kumar Son of Mahesh Yadav Resident of Village - Shivganj, P.S. - Dobhi, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Paswan Son of Late Rameshwar Paswan Resident of Village - Shivganj, P.S. - Dobhi, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anand Kishore Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special PP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 12-03-2026 1. Heard learned counsel for the appellant and learned Spl. P.P. for the State, Mr. Sadanand Paswan.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 27.08.2024 in A.B.P. No. 271 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 1251 of 2023 registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code as well as Sections 3(2) (va) of the SC/ST Act.



3. Learned counsel for the appellant submits that the appeal was taken up on 06.03.2025 when notices were issued on respondent no. 2. It is next submitted that from perusal of the office report dated 23.07.2025, it would manifest that the notice has been validly received by respondent no. 2. It is next submitted that respondent no. 2 despite receiving notice chooses not to appear and contest.

4. The learned counsel appearing on behalf of the appellant submits that appellant is a person with clean antecedent and is a young boy aged about 19 years and the informant alleges that when he woke up in the morning of 26.12.2023, he found his minor daughter missing along with cash of Rs. 25,000/- and ornaments worth Rs. 60,000/-, accordingly, he went to the house of the appellant when family members of the appellant informed that appellant has kidnapped the victim for marriage.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that victim and the appellant were in love. It is also submitted that the victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she has not supported the case of the prosecution rather has



stated that she went to the house of the appellant on her own as she was in love with the appellant and wanted to marry him, it is also submitted that a specific pleading to that effect has been made at Para-15 of the appeal. It is next submitted that this perhaps explains why the informant despite receiving notice chooses not to appear and contest. It is also submitted that appellant is a young boy and if he is sent to judicial custody, in the nature of allegation as alleged, his entire career would get jeopardized and chances are bright that he may come in contact with hardened criminals.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. In view of the submissions made by the learned counsel for the appellant, the order dated 27.08.2024 in A.B.P. No. 271 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 1251 of 2023, **is hereby set aside** and the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory 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 trial court where the case



is pending/successor court in connection with Sherghati (Dobhi)
P.S. Case No. 1251 of 2023 subject to the conditions as laid
down under Section 482 (2) of the BNSS.

8. **Accordingly the appeal stands allowed.**

9. All the pending application(s), if any, shall stand
disposed of.

(Satyavrat Verma, J)

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