

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4999 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Chandan kumar Son of Mokhtar Sahani Resident of village- Ramgadh
Mahuawa, P.S.-Piprakothi, District -East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajmangal Baitha Son of Sukhari Baitha Resident of village- Ramgadh
Mahuawa, P.S.-Piprakothi, District -East Champaran

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Abhishek Kumar, Advocate Mr. Harsha Shashwar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 02-04-2026 Heard learned counsel appearing for the appellant,

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 16.08.2024 passed in a case registered for the offence punishable under Sections 363, 366A and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of this appellant has been rejected.

3. As per prosecution case, it is alleged that this



appellant, along with other F.I.R. named accused persons, kidnapped daughter of informant and when the informant went to enquire about the same, he was abused by caste based slurs.

4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. During investigation, the victim was recovered and in her statement recorded under Sections 164 of the Cr.P.C., she denied the *factum* of kidnapping and has categorically stated that no one kidnapped her and she, out of her own sweet will, had gone from her house. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

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 appellant.

6. Considering the facts and circumstances of the case, statement of the victim recorded under Sections 164 of the Cr.P.C. and clean antecedents of the appellant, this appeal is



allowed and the impugned order dated 16.08.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with A.B.P. No. 3501 of 2024 arising out of Piprakothi P.S. Case No. 106 of 2024 is hereby set aside with respect to these appellant only.

7. Accordingly, let the appellant, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Piprakothi P.S. Case No. 106 of 2024.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

