

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.470 of 2023**

Arising Out of PS. Case No.-90 Year-2022 Thana- SAHIYARA District- Sitamarhi

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1. SANGEETA DEVI Wife of Rasanarayan Mahto R/V- Matiyar Kala, P.s- Sahiyara, Dist- Sitamarhi
  2. Sanni Kumar Son of Rasanarayan Mahto R/V- Matiyar Kala, P.S- Sahiyara, Dist- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Amrita Devi Wife of Rajkumar Paswan R/V- Matiyar Kala, P.S- Sahiyara, dist- Sitamarhi

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Ms. Smiti Bharti  
For the Respondent/s : Mr. Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

4      06-12-2023                      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Notice has been issued and has validly been served upon respondent no. 2, but nobody appeared on behalf of the respondent no. 2.

3. 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 05.11.2022 passed by learned Additional Sessions Judge-VI-cum-Special Judge, (POCSO Act),



Sitamarhi, in connection with Sahiyara P.S. Case No. 90 of 2022 registered under Sections 363, 366(A) of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellants and other co-accused persons is of kidnapping the minor daughter of the informant.

5. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under SC/ST Act is made out against the appellants. She submits that the appellants no. 1 and 2 are mother and bother of co-accused, Sonu Kumar. There is no specific overt act against the appellants. She further submits that the informant's daughter and co-accused, Sonu Kumar, have solemnized marriage and from their wedlock one child was born. Appellants have got one antecedent as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that son of appellant no. 1 has already



solemnized marriage with the informant's daughter, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, (POCSO Act), Sitamarhi, in connection with Sahiyara P.S. Case No. 90 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

**(Anjani Kumar Sharan, J)**

anand/-

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