

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1684 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- MAHILA P.S. District- Banka

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1. Uttam Sah, Son of Basant SAh,
 2. Urmila Devi, Wife of Uttam Sah. Both are resident of village-
Manjuladih, P.S.- Katoria, District- Banka.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 10.04.2018 passed by the learned Additional Sessions Judge-I, Banka in A.B.P. No.398 of 2018, arising out of Mahila Police Station Case No.11 of 2018 registered under Sections 376, 493, 313, 354(D)/34 of the Indian Penal Code and Section 3 (1) (W) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation of forceful marriage and physical relation is against co-accused, *Upendra Kumar Soni @ Raja Kumar*. The appellants are brother and mother of *Upendra Kumar Soni @ Raja Kumar*.

Allegation against the appellants is that they refused to recognize their marriage.



Submission is that the appellants have no reservation of objection, if the informant is happy with her husband. They are not going to disturb their conjugal life.

In the event of filing of affidavit by the appellants at the time of filing of bail bond, of the aforesaid fact regarding non-interference in the personal life of Upendra Kumar Soni @ Raja Kumar and the informant, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

