

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.876 of 2018

Arising Out of PS. Case No.-44 Year-2017 Thana- MAHILA P.S. District- Bhagalpur

Lal Bachan Mandal, Son of Baldeo Mandal, Resident of Village- Parghari,
P.S.- Sabour, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Madhu Kumari, Daughter of Jai Kant Hazara @ Jai Kant Paswan, Resident of village- Bakudih, P.S.- Taljhari, District- Sahebganj and Village- Chuna Factory, Sabour, P.S. Sabour, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K.Sahi, Senior Advocate Mr. Manohar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP-246
For the Informant	:	Mr. Vibhakar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-10-2018

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 20.02.2018 passed by the learned 4th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in A.B.P. No.214 of 2018, arising out of Mahila Thana Police Station Case No.44 of 2017 registered under Sections 341, 323, 498-A, 504, 506/34 of the Indian Penal Code as well as Section 3/4 of Dowry Prohibition Act and Sections 3 (1)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



According to F.I.R., the appellant was in physical relation with the informant pretending that appellant would marry with the informant. When the appellant got job he refused to marry with the informant. Thereafter, informant complained to the Superintendent of Police, Bhagalpur and on his persuasion marriage was solemnized on 17.02.2016 in a temple. Thereafter, appellant used to neglect the informant, who is a member of scheduled castes and started ventilating that appellant would marry with some other girl.

The matter was sent for reconciliation before the Patna High Court Mediation Centre, which failed.

Submission of the learned counsel for the appellant is that the appellant never married with the informant and just to pressurize for marriage false case has been lodged. The informant was never in relationship with the appellant and when the appellant got job the informant adopted the tactics of lodging of the criminal case.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that witnesses have stated before the Police that both married to each other and for some time they lived in Punjab as husband and wife and subsequently the differences arose due to greed of the appellant to get more



money and for that reason the appellant left the company of the informant.

Considering the entire facts of this case, especially the fact that informant cannot be disbelieved at this stage. Hence, I am not inclined to enlarge the appellant, above named, on anticipatory bail. Hence, prayer is refused.

Accordingly, this appeal stands dismissed.

(Birendra Kumar, J)

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Transmission Date	

