

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2940 of 2018

Arising Out of PS.Case No. -58 Year- 2017 Thana -MAHILA P.S. District- PURNIA

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1. Rajiv Poddar @ Rajiv Kumar S/o Late Bishwanath Poddar,
 2. Rajesh Poddar @ Rajesh Kumar, S/o Late Bishwanath Poddar,
 3. Ranjit Kumar Poddar @ Ranjit Poddar, S/o Late Bishwanath Poddar,
 4. Suman Poddar @ Suman Kumar, S/o Late Bishwanath Poddar,
 5. Rakesh Poddar @ Rakesh Kumar Bharti, S/o Late Bishwanath Poddar,
 6. Chandan Poddar @ Chandan Kumar, S/o Late Ragendra Poddar

.... Appellants

Versus

1. The State of Bihar

.... Respondent

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Appearance :

For the Appellants : Mr. Vikram Singh, Advocate

For the Respondent : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 16.07.2018 by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea, in A.B.P. No. 27 of 2018, arising out of Mahila Police Station Case No. 58 of 2017, giving rise to Special Case No. 356 of 2017, registered under Sections 376/420/34 of the Indian Penal Code and Sections 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant had entered into love marriage with co-accused Sujeet Kumar. The appellants are family members of Sujeet Kumar. Allegation is that the appellants did not recognize their love



marriage; rather abused and assaulted by taking caste name.

Submission is that just to harass the family members false case was lodged because the FIR itself reveals that the informant was in physical relation with Sujeet Kumar prior to her marriage and the marriage was solemnized after differences arose between the two.

Considering the facts of the case, 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/- (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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Mkr./R. Ranjan-

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