

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2998 of 2018

Arising Out of PS.Case No. -438 Year- 2018 Thana -PHULWARI District- PATNA

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1. Rameshwar Singh aged about 70 years Son of Late Ram Lakhan Singh
2. Sabita Devi aged about 60 years Wife of Rameshwar Singh, Both residents of Village- Bhusaula Danapur, Police Station Phulwarisharif, District Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Pratibha Kumari, D/o Azad Ram Manoj Choudhary resident of Village- Bhusaula, P.S. Phulwarisharif, District Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Mishra, Adv
For the State : Smt. Usha Kumari No.1, SPP
For the Informant : Mt. Umesh Kumar Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 20.07.2018 in A.B.P. No.5170 of 2018 passed by the learned Special Judge SC/ST Act-cum-Additional Sessions Judge-V, Patna, in connection with Phulwarisharif P.S.Case No. 438 of 2018 registered under Sections 498A/ 341/ 323/ 307/ 504/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

The informant had entered into love marriage with the son of the appellants. After some time, differences arose and allegation against the appellants is that they are not allowing the informant to be in the house.



Submission is that husband was granted bail only after solemnization of marriage between the two and the matter is mainly of matrimonial discord between the husband and wife.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the entire facts of this 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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