

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.430 of 2017

In
Criminal Miscellaneous No.45035 of 2016

Arising Out of PS. Case No.-58 Year-2015 Thana- KARAHGAR District- Rohtas

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Munna Kumar son of Uma Shankar Singh, R/o. Village- Tekari, P.S. Chenari,
District- Rohtas

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rima Kumar D/o. Ram Deo Ram,

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2018

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, against the refusal of prayer for anticipatory bail vide order dated 21.09.2016 passed by the learned 1st Additional Sessions Judge, Rohtas at Sasaram, in A.B.P. No.1932 of 2016, arising out of Kargahar Police Station Case No.58 of 2015, registered under Sections 341/323/366/498 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



The appellant had entered into love marriage with respondent No.2 a member of scheduled caste. The family members of the appellant did not recognize the marriage and for that wake the allegation of commission of abuse and assault.

Submission of the learned counsel for the appellant is that the appellant is always ready for restoration of conjugal life with respondent No.2. However, in spite of service of the same she has not appeared.

Considering the facts of the case, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) 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.

The learned Court-below shall, after notice to respondent No.2, ensure that respondent No.2 is willing to go



with the appellant. They should live together. If the appellnt would refuse for restoration of conjugal life this provisional bail shall not be confirmed by the learned Court-below otherwise the same shall be confirmed.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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