

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3650 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- DAGARUA District- Purnia

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1. Raj Kumar Bishwas @ Bhola Son of late Dev Narayan Vishwas @ late Narayan Vishwas
 2. Amit Bishwas Son of late Dev Narayan Vishwas @ late Narayan Vishwas
 3. Virendra Bishwas Son of late Narayan Bishwas
 4. Hri Om Bishwas @ Hariom Son of Yamuna Bishwas @ Yamuna Prasad Vishwas
 5. Kunna @ Anant Bishwas @ Anant Lal Vishwas Son of Yamuna Bishwas @ Yamuna Prasad Vishwas
 6. Govind Bishwas Son of Sagal Lal Bishwas
 7. Bind Lal Bishwas Son of Lakhan Bishwas All Resident of Village- Basdaha, P.S. Dagaruwa, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nadimul Hasan, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 26-11-2018

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 bail vide order dated 24.08.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Purnea, in SC/ST Case No.98 of 2017, arising out of Dagarua Police Station Case No.71 of 2017, registered under Sections



341/323/363/365/307/436/354B/379/506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant Raj Kumar Bishwash lodged Purnea Sadar P.S. Case No.257 of 2017 against the informant of this case and others alleging therein that Bishundeo Rajak and others have forcefully kidnapped to the minor daughter of the informant for the purpose of marriage. Thereafter, the present FIR was lodged on 30.05.2017 alleging therein that since daughter of the appellant was missing along with the son of the informant they kidnapped to the son of the informant and subsequently committed arson in several houses just to ventilate their unwarranted grievance.

Learned counsel for the appellants submits that both have married and they are having children.

Learned counsel for the informant has produced a certificate of marriage between the two. However, submits that since marriage has been recognized, the continuance of criminal cases (case and counter case) would just frustrate restoration of relationship between the parties which should be avoided. Hence, the parties be requested to compromise the cases in the changed circumstances.



Since the marriage has been recognized by the parties, the criminal cases lodged by each other need not go on. The parties would take steps for early conclusion of the same according to law.

With the aforesaid observation, let the appellants, above named, be released on bail on furnishing bail bond 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, with 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 appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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