

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1340 of 2019**

Arising Out of PS. Case No.-129 Year-2018 Thana- LALGANJ District- Vaishali

Vikash Kumar, Son of Naresh Rai, Resident of Village- Bedauli, P.S- Lalganj,
District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nityanand

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

4 28-05-2019 Heard learned counsel for the appellant and the State.

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 by order dated 28.02.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, Hajipur, Vaishali in connection with Lalganj P.S. Case No. 129 of 2018 registered under Sections 304(B)/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(ii), (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 8/12 of the POCSO Act.

Allegation against the appellant is that he joined the wedlock with one Soni Kumari Scheduled Castes. The marriage took place on 21.03.2016. It is alleged that after one year of



solemnization of marriage demand of dowry was made and thereafter the wife of the appellant died in suspicious circumstances. Further allegation in the instant case is that the accused persons used to abuse the daughter of the informant by naming her caste.

Learned counsel for the appellant submits that there is no specific allegation against this appellant that he had raised any demand of dowry or there is allegation that he used to abuse the victim by naming her caste. The appellant is in custody since 05.10.2018.

There are materials on record to indicate that the appellant has voluntarily joined the wedlock of the victim knowing fully well her caste as Scheduled Caste.

Under the aforesaid circumstance, the Court is inclined to grant bail to the appellant against whom there is no specific allegation of demand of dowry or using the caste name of the victim leading to her unnatural death, the appellant, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Hajipur, Vaishali in connection with Lalganj P.S. Case No. 129 of 2018 with the



condition that the appellant shall extend full co-operation in the trial for disposal of the case.

(Anil Kumar Upadhyay, J)

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