

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2838 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- TATARPUR District- Bhagalpur

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1. Dayanand Singh Son of Late Ramdev Singh Resident of Mohalla- Naya Bazar, Kaswa, Golaghat, P.S.- Tatarpur, District- Bhagalpur.
 2. Sampurnanand Singh Son of Late Ramdev Singh Resident of Mohalla-Naya Bazar, Kaswa, Golaghat, P.S.-Tatarpur, District-Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer for bail vide order dated 21.06.2019 passed by learned 3rd Addl. District & Sessions Judge-cum-Special Judge, Bhagalpur in Tatarpur P.S. Case No. 24 of 2019 registered under Sections 498(A), 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant developed intimacy with the appellant



no. 1, who was working in the same shop of the informant. They established sexual cohabitation, resultantly, she became pregnant twice, but the appellant no. 1 got her pregnancy aborted. On mounting pressure upon him by the informant, the appellant no. 1 got prepared the affidavit before the Notary Public in Bhagalpur regarding their marriage. But, later on, deserted her and on trying to make contact with him telephonically, his brother (appellant no. 2) slated her in the name of her caste and also extended threatening.

It is submitted by learned counsel for the appellants that the victim is major and is aged about 30 years as per the FIR itself. Both appellant no. 1 and informant was working in the same shop and there was talking terms between them. The informant fell in lopsided love with the appellant no. 1 and started mounting pressure upon him to solemnize marriage, but on refusal, she has lodged this false and frivolous case against the appellants. As the informant does not happen to be married wife of the appellant no. 1, hence, the Provision of Section 498(A) of I.P.C. is not made out. There is no allegation of slating the informant in the specific name of her caste against the appellant no. 2. Appellants have no criminal antecedent and have been languishing in custody since 16.06.2019.



Learned Spl. PP for the State opposed the prayer
for bail.

In the facts and circumstances of the case, the
above named appellants are directed to be enlarged on bail on
furnishing bail bond of Rs. 10,000/- (Ten thousand) each with
two sureties of the like amount each to the satisfaction of the
learned 3rd Addl. District & Sessions Judge-cum-Special Judge,
Bhagalpur in connection with Tatarpur P.S. Case No. 24 of
2019.

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

(Prakash Chandra Jaiswal, J)

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