

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3210 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- SC/ST District- Araia

-
-
1. Arun Yadav Son of Singheshwar Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 2. Singheshwar Mandal @ Singheshwar Yadav Son of Late Ghotai Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 3. Nutan Devi Wife of Arun Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 4. Birendra Yadav @ Birendra Prasad Yadav Son of Late Shivnath Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 5. Manoj Mandal @ Manoj Kumar Mandal @ Manoj Yadav Son of Late Domar Lal Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 6. Mando Devi @ Manju Devi Wife of Manoj Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 7. Satari Devi @ Satani Devi Wife of Birendra Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 8. Mayanand Mandal @ Mayanand Yadav Son of Late Jageshwar Yadav Resident of Village- Dhantola Kankhudia ward no.07, Police Station- Palasi, District- Araia
 9. Pappu Yadav @ Pappu Kumar Yadav Son of Chandrika Yadav Resident of Village- Dhapri, Police Station- Palasi, District- Araia

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar Rana
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 05-08-2019

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 of anticipatory bail vide order dated 28.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Araria in Araria SC/ST P.S. Case No. 65 of 2019 registered under Sections 341, 323, 379, 498(A), 504, 506/34 of the Indian Penal Code, Section 4 of Dowry Prohibition Act and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant has performed love marriage with Rajesh Kumar Yadav. Later on, she started living in her in-laws house. But, all the named accused persons including the husband of the informant started demanding Rs. 5 lacs and motorcycle in dowry and tormented her and slated her in the name of her caste over the said demand and tried to eliminate her.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid concern. As a matter of fact, the informant has performed love marriage with co-accused Rajesh Kumar Yadav against will of the appellant nos. 1, 2 and 3. Hence, the said appellants have no



concern with them. They have neither made any dowry demand nor ever subjected the informant to torture over the said demand. Allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellant no. 1 happens to be father-in-law, appellant no. 2 is grand father-in-law and appellant no. 3 is the mother-in-law of the informant while rest of the appellants are gotiyas of the informant. Husband of the informant is in custody. Allegation of slating the informant in the name of her caste is said to have been made inside the house of appellant no. 1, hence, no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

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

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge cum Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 65 of 2019, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

rohit/-

U		T	
---	--	---	--

