

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4287 of 2018

Arising Out of PS. Case No.-331 Year-2016 Thana- BANIAPUR District- Saran

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1. Bachhu Lal Sah @ Bachchu Lal Prasad, Son of Late Lalji Sah.
 2. Sunil Sah @ Sunil, Son of Bachhu Lal sah.
 3. Priti Devi @ Priti Kumari, Wife of Sunil Sah. All are Resident of Village- Pirauta Khas, Pirauta Khas Ghurahu, P.S.-Baniyapur, District-Saran, Bihar-841443

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-01-2019 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 of anticipatory bail dated 14.09.2018 passed by the 1st Addl. Sessions Judge, Saran at Chapra in ABP No. 2496 of 2018 arising out of Baniyapur P.S.Case No. 331 of 2016 registered under Sections 323, 379, 494 and 498A of the Indian penal Code, Sections 3 and 4 of the Dowry Prohibition Act and Sections and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

At the very outset, it has been submitted that during the pendency of this appeal, appellant no. 1 has been arrested, in such view of the matter, this appeal against appellant no. 1 is dismissed as having become infructuous.



Allegation as per the FIR is that complainant got married with the appellant no. 2 and when she went to live along with appellant no. 2 in her Sasural, she was refused to stay there and when began to live in the Dalan of Deopujan Rai with her husband, she gave birth to a female child but her husband developed illicit relation with appellant no. 3, accused persons used to abused her by referring her caste name.

Submission of learned counsel for the appellants is that impugned order itself shows that the name of husband of the complainant/informant is Deopujan Rai, not Sunil Sah, however in spite of that his prayer for anticipatory bail has been rejected by the learned Special Judge.

Heard learned Spl. P.P also who has opposed the prayer of anticipatory bail.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the appellant no. 2. Let appellant no. 2 surrender within a period of four weeks from the date of receipt/production of a copy of this order, and pray for regular bail, which shall be considered by the learned Spl. Judge on the basis of materials available on record and pass an appropriate order, if possible on the same day.



So far as appellant no. 3 is concerned, there is no allegation of abusing the complainant/informant by naming caste and she is wife of appellant no. 2, as such appellant no. 3, in the event of arrest or surrender within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saran at Chapra in connection with Baniyapur P.S. Case No. 331 of 2016; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellant shall co-operate in the investigation and make herself available as and when required by the police and on the event of failure on her part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of her bail bonds.

Accordingly, the appeal is disposed of and the impugned order is set aside with respect to appellant no. 3.

(Vinod Kumar Sinha, J)

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