

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4601 of 2019**

Arising Out of PS. Case No.-171 Year-2019 Thana- BYPASS District- Patna

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1. RATAN KUMAR @ RATAN MAHATO Son of Yogendra Prasad Resident of Mohalla- Karmalichak, P.S.- Bypass, District- Patna.
  2. Renu Devi W/o Ratan Mahato Resident of Mohalla- Karmalichak, P.S.- Bypass, District- Patna.
  3. Rohit Kumar Son of Ratan Mahto Resident of Mohalla- Karmalichak, P.S.- Bypass, District- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

6      23-10-2019                      Heard learned counsel for the appellants and  
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.08.2019 passed by learned Special Judge SC/ST Act, Patna in connection with Bypass P.S. Case No. 171 of 2019 registered under Sections 376 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

Co-accused Ranjan Kumar has established sexual relation, on the pretext of marriage, with the daughter of the informant aged about 18 years for one year. He also took his daughter to his house and kept her for 15 days and then left on his house. When the informant approached the appellants for marriage of his daughter with Ranjan Kumar they refused to marry as he happens to be member of scheduled caste and slated him in the name of caste.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case merely because they happen to be parents and brother of co-accused Ranjan Kumar. The only allegation made against them is refusal to perform marriage of Ranjan Kumar with the daughter of the informant and slating him in the name of caste on arrival at their house. The said slating is said to have been made at the house of the appellants and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is inordinate delay of one month in lodging the case without assigning any plausible explanation for the said delay. Appellants have no criminal antecedent.



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

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, Patna in connection with Bypass P.S. Case No. 171 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 this appeal is allowed.

**(Prakash Chandra Jaiswal, J)**

Trivedi/-

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