

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.254 of 2020**

Arising Out of PS. Case No.-264 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

Jitesh Kumar Dubey @ Jitesh Dubey Son of Late Nagendra Dubey @ Late
Nagendra Kumar Dubey Resident of Village - Sipaya, Dubey Tola, P.S.-
Bishambharpur, District- Gopalganj

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhramveer, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 01-10-2020 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State through video
conferencing.

The instant appeal has been preferred by appellant
against dated 16.12.2019 passed in A.B.P. No.1990 of 2019 by
the learned 1st Additional Sessions Judge, Gopalganj whereby
the prayer for anticipatory bail of the appellant was rejected.
The appellant was made accused in Kuchaikot P.S. Case No.264
of 2018 registered under section 498A of the Indian Penal Code
and section 3(1)(r)(s) of the SC and ST (Prevention of
Atrocities) Act.

As per the allegation in the FIR, it is stated by the
informant that on the death of her husband she along with her



daughter started to reside at her parent's place. The appellant who was a friend of her brother hid his caste as also his marriage, married the informant from which two issues were born. She states that subsequently she came to learn about the act of the accused abandoning her and marrying once again.

It is submitted by learned counsel for the appellant that the allegation as levelled in the F.I.R. are false and concocted. No such occurrence as alleged has taken place. Referring to Annexure-2, it is submitted that on 26.3.2018 also a false complaint was filed by the informant herein, making allegations under section 498A of the Indian Penal Code and the SC and ST (Prevention of Atrocities Act), however the learned Court below was pleased to take cognizance by order dated 4.7.2108 (Annexure-3) only under sections 323 and 497 of the Indian Penal Code. The informant preferred a revision but did not get any relief. It is submitted that once again making same/similar allegations, this F.I.R. has been registered.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the documents brought on record with



respect to the earlier case lodged by the informant, this Court is inclined to allow the appeal.

The order dated 16.12.2019 passed in ABP No.1990 of 2019 by the learned 1st Additional Sessions Judge, Gopalganj is set aside.

The appeal is allowed.

The appellant in the event of his arrest or surrender within eight weeks, is directed to be enlarged on bail in connection with Kuchaikot P.S. Case No.264 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Gopalganj.

(Partha Sarthy, J)

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