

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3218 of 2018**

Arising Out of PS. Case No.-23 Year-2018 Thana- SC/ST District- Katihar

Prasanjeet Thakur @ Prasebjeet Thakur, Son of Ghanshyam Thakur, R/o Village-Budh Nagar, P.S.-Pranpur, District-Katihar.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bina Devi D/o Late Domas Das, R/o Buddha Nagar, P.S.-Pranpur, District-Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh, Adv
For the Respondent/s : Mrs.Smt Usha Kumari No-1, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

10 03-02-2020 Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 13.07.2018 in (S.C./S.T. P.S. Case No.23 of 2018) A.B.P.No.53 of 2018 passed by the learned Special Judge-cum-1st Additional Sessions Judge, Katihar registered under Sections 323,379,504,354(B),313,498(A),34 of the Indian Penal Code as well as under Sections 3(i)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes Act.

Respondent No.2, who is member of scheduled caste, had married with the appellant. Thereafter, matrimonial discord started and allegation is of demand of dowry.



Since the parties had entered into love marriage, the allegation of demand of dowry does not appear to be appealable.

Notice to respondent No.2 was sent on the address mentioned in the FIR, however, no one appears for respondent No.2.

Considering the facts of this case, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

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