

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2976 of 2019

Arising Out of PS. Case No.-983 Year-2018 Thana- SONEPUR District- Saran

1. Aarti Devi, Wife of Manoj Kumar Sharma Resident of Mohalla - Anandpur, P.S.- Sonepur, Dist.- Saran
2. Rani Devi, Wife of Hareram Sharma Resident of Mohalla - Anandpur, P.S.- Sonepur, Dist.- Saran
3. Kameshwar Sharma, Son of Late Yogi Sharma, Resident of Mohalla - Anandpur, P.S.- Sonepur, Dist.- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rina Sinha
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 06-01-2020 Heard learned counsel for the parties.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been filed against the order dated 27.03.2019 passed in A.B.P. No. 693/2019, whereby the learned Ist Additional Sessions Judge, Saran at Chapra, rejected the pre-arrest bail of the appellants in connection with Sonepur P.S. Case No. 983 of 2018 for the offence punishable under Sections 366(A) and 120(B) of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The persecution case is that in the morning of 12.09.2018, Tetri Devi, co-villager of informant, Dudhnath Manjhi along with appellants came at his door and asked his daughter, Rakhi Kumari, aged about 16 years, to go to market and thereafter, they accompanied his daughter, Rakhi Kumari for the market. When the informant came to his house in the evening then came to know that she has not returned to the house. When the informant made query to Tetri Devi about his daughter then she showed her ignorance and also started to abuse denoting to his caste “Dushad”.

Learned counsel for the appellants submits that appellant nos. 1 and 2 are married Nanad of co-accused, Tetari Devi, and both residing to their matrimonial house and petitioner no. 3 is brother-in-law (Dever) of Tetri Devi and they all have falsely been implicated in the present case mere on suspicion. Further submission is that while the occurrence is said to be taken on 12.09.2018 but the FIR has been lodged on 01.10.2018 after 19 days without explanation, in fact, daughter of the informant left her parental house due to love affairs with anyone but with ulterior motive the present case has been lodged with false allegation. Moreover, in paragraph 89, 90 and 91 of the case diary, it has come that victim, Rakhi Kumari,



daughter of the informant used to talk on mobile with her aunt Punam Devi.

Accordingly, the impugned order dated 27.03.2019 passed in A.B.P. No. 693/2019 in connection with Sonapur P.S. Case No. 983 of 2018 is set aside and this appeal stands allowed. Let the appellants above named 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 the learned Additional Sessions Judge-I, Saran at Chapra, in connection with Sonapur P.S. Case No. 983 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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