

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5745 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

1. KUSHUM DEVI @ KUSHMA DEVI W/o Mahesh Singh
2. Mahesh Singh Son of Jawahar Singh
3. Pawan Kumar Son of Mahesh Singh
All Resident of Village - Dumari Gobarsahi, Post - Dumari, P.S.- Sadar,
Distt.- Muzaffarpur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Rakesh, Adv
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-03-2020 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 19.11.2019 in Muzaffarpur Mahila P.S.Case No.03 of 2019 passed by the learned Special Judge SC/ST Act, Muzaffarpur registered under Sections 323,498(A),506/34 of the Indian Penal Code and Section 3/4 Dowry Prohibition Act and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

The informant had entered into inter-caste marriage with co-accused-Pankaj Kumar, who was son of appellant Nos.1 and 2 and brother of appellant No.3. Due to matrimonial dispute



between the spouse, the informant, insisted for her status of a wife. Pankaj Kumar allegedly assaulted her. Thereafter, the appellants also committed assault.

Submission is that the appellants are family members of Pankaj Kumar, hence, have been falsely implicated just to pressurize in the matrimonial dispute between the two spouse.

Considering the background and nature of allegation, let the appellants, above named, in the event of their 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) each 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 appellants shall fully cooperate with the investigation/trial of the case and also the appellants shall not leave the country without permission of the learned Trial Court, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and this



appeal stands allowed.

(Birendra Kumar, J)

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