

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1274 of 2021

Arising Out of PS. Case No.-265 Year-2020 Thana- BEUR District- Patna

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1. GULABI DEVI Wife of Sri Ravindra Prasad Resident of Village - Saichak, P.S.- Beur, Distt.- Patna.
 2. Dilip Kumar Son of Sri Ravindra Prasad Resident of Village - Saichak, P.S.- Beur, Distt.- Patna.
 3. Jitendra Kumar @ Shankar Son of Sri Ravindra Prasad Resident of Village - Saichak, P.S.- Beur, Distt.- Patna.
 4. Dharmendra Kumar Son of Sri Ravindra Prasad Resident of Village - Saichak, P.S.- Beur, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kumar Sinha
For the Respondent/s	:	Mr. Special P.P.
For the Informant	:	Mr. Manoj Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-07-2021 Heard Mr. Vijay Kumar Sinha, learned counsel for the appellants and Mr. Manoj Kumar Pandey, learned counsel for the Informant. The State is represented by the learned Special Public Prosecutor.

The appellants have challenged the order dated 26.11.2020 passed by the learned Additional Sessions Judge-III-cum Special Judge, SC/ST, Patna in A.B.P. No. 7107 of 2020 in connection with Special Case No. 434 of 2020 arising out of Beur P.S. Case No. 265 of 2020,



whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 498A/34 of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Section 3(1)(r)(s) of SC/ST (POA) Act has been rejected.

A harrowing tale has been narrated by the informant. The sum and substance of the accusation is that she fell in love with one Satendra Kumar Singh of her own locality and established physical relationship with him on his assurance of marrying her when he would become self-reliant. It has been alleged in the F.I.R. that after aforesaid Satendra Kumar Singh obtained job in the railways, he was posted in Bombay and the informant started living with him as his legally wedded wife after marrying him in a temple. When the family members of her husband came to know about this relationship, they arrived at his Bombay residence and chastised the informant. She was threatened and was told that her marriage was not acceptable to them because of her caste. She was also made to abort. Under pressure and coercion, she was made to sign on a piece of paper. The



informant suspects that such signed document would be converted into some incriminating document as against the informant. Somehow or the other, the informant could withstand the aforesaid onslaughts on her but later again, same treatment was meted out to her. It has finally been stated that her husband on the pressure of his family members told her that she ought to arrange for Rs. Ten Lakhs as dowry as a condition precedent for her to be allowed to live as his wife. She has also come to learn that one of the cousins of her husband wants to get his sister -in-law married to him and is therefore planning for eliminating her.

Learned counsel for appellants has surprisingly argued that the informant as well as Satendra Kumar Singh had developed love affairs. This Court is at a loss to understand as to how this could be a ground for anticipatory bail in a case with such accusation. This only supports the accusation against Satendra Kumar Singh and his relatives.

The appellants are the mother and brothers of aforesaid Satendra Kumar Singh.



For the accusation levelled in the F.I.R., this court is of the view that the offences under the I.P.C. as well as under the SC/ST (POA), Act are *prima facie* made out.

This makes the case not maintainable under Section 18 of the SC/ST (POA) Act.

For the reasons aforesaid, this Court declines to interfere with the order impugned in the present appeal.

The prayer is rejected.

The appeal stands dismissed.

(Ashutosh Kumar, J)

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