

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.493 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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1. DEVAKI RAI Son of Ram Zatan Rai, Resident of Village - Paharichak, P.S.-
Sonepur, District- Saran
 2. Banarasi Devi Wife of Devaki Rai, Resident of Village - Paharichak, P.S.-
Sonepur, District- Saran
 3. Manoj Rai Son of Devaki Rai, Resident of Village - Paharichak, P.S.-
Sonepur, District- Saran
 4. Vinod Kumar @ Vinod Kumar Rai Son of Devaki Rai, Resident of Village -
Paharichak, P.S.- Sonepur, District- Saran
 5. Ram Chandra Rai Son of Jhagru Rai, Resident of Village - Paharichak, P.S.-
Sonepur, District- Saran
 6. Shobha Devi Wife of Manoj Rai, Resident of Village - Paharichak, P.S.-
Sonepur, District- Saran
 7. Sushila Devi @ Sunila Devi Wife of Ram Chandra Rai, Resident of Village -
Paharichak, P.S.- Sonepur, District- Saran
 8. Anita Devi Wife of Ram Awadh Rai, Resident of Village - Paharichak, P.S.-
Sonepur, District- Saran

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Awadhesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-02-2021 Heard learned counsel for the appellants and learned
Special P.P.

The appellants filed this appeal under Section 14A(2)
of the SC/ST Act against the order dated 20.12.2019 passed in
A.B.P. No.3691 of 2019 by which the learned Special Judge,
Saran at Chapra refused to grant anticipatory bail to the
appellants in SC/ST Case No.168 of 2019 arising out of
Complaint Case No.145 of 2019 registered under Sections 323,



379 of the I.P.C. and under Section 3(1)(r)(s) of the SC/ST Act.

In sum and substance, the complainant alleged that her husband is working in Indian Railway and he is posted in Sonapur. Sanoj Kumar (accused no.1) is also an employee of Indian Railway and is posted in Sonapur. Therefore, they are well acquainted with each other. The complainant further alleged that she went for negotiation of marriage of Rina Kumari (daughter of Suresh Rai) with Sanoj Rai (son of appellant no.1) at the house of Sanoj Rai. The marriage was solemnized but after marriage, some dispute arose between the two sides. When the complainant went there, the accused persons are alleged to have abused her and snatched her belongings.

Learned counsel for the appellants submits that the entire allegations are false and concocted. There was a marital dispute between the husband and the wife but taking advantage of proximity with Suresh Rai, the complainant lodged this case and it is a sheer misuse of the provision of SC/ST Act as no occurrence took place with the complainant and the complainant is not at all concerned with the affairs of marriage of the daughter of Suresh Rai with the son of appellant no.1.

Learned Special P.P. did not dispute this fact.



Having considered the facts and the submissions made by learned counsels for both sides, I find that the complainant of course belongs to the SC/ST caste but she is not at all related either with Suresh Rai or Sanoj Rai. She might have played a role in negotiation for settlement of marriage of the daughter of Suresh Rai with Sanoj Rai but she lodged a case under the provision of SC/ST Act against Sanoj Rai and others.

Taking into consideration the facts aforesaid, the appellants above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saran at Chapra in connection with SC/ST Case No.168 of 2019 arising out of Complaint Case No.145 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

Accordingly, the order dated 20.12.2019 is set aside.
The appeal stands allowed.

(Prabhat Kumar Jha, J)

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