

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.2639 of 2021**

Arising Out of PS. Case No.-266 Year-2020 Thana- LALGANJ District- Vaishali

CHANDRAJIT SAH @ CHANDRAJIT KUMAR S/O PONCHU SAH R/o  
village- Belka, P.S.- Vaishali, Distt.- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Annu Kumari D/o Sakaldip Paswan R/o village- Khajauli, P.S.- Lalganj,  
Distt.- Vaishali

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Anil Kumar  
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

2      23-09-2021                      Heard learned counsel for the appellant and the State  
through virtual mode.

Learned counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The appellant has challenged the order dated 07-04-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 266 of 2020 registered for the offences under Sections-341, 323, 498(A), 313, 376, 504, 506 of the Indian Penal Code and Sections- 3(i)(r)(w)(i), 3(2)(v) of SC & ST (Prevention of Atrocities) Act whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.



Prosecution allegation in short is that the appellant solemnized marriage with the informant and established physical relationship. It is alleged that the appellant and other family members use to call her caste name and they want to leave her.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case due to petty family dispute. The appellant is alleged to be husband of the victim/informant. The appellant denies the marriage. As per allegation, physical relationship was also established. It has been submitted on behalf of the appellant that it is a malicious prosecution for oblique reasons. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 07-04-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 266 of 2020 by which the anticipatory bail of the appellant was rejected.

Accordingly, the order dated 07-04-2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Vaishali



at Hajipur in connection with Lalganj P.S. Case No. 266 of 2020 is set aside. The present Criminal Appeal is *allowed*.

Let the appellant, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST Act, Vaishali at Hajipur in Lalganj P.S. Case No. 266 of 2020.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

A.K.V.//-

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