

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3234 of 2021

Arising Out of PS. Case No.-936 Year-2019 Thana- JAHANABAD District- Jehanabad

1. JITENDRA SHARMA @ JITENDRA MISTRY S/O LATE VISHUNDEO MISTRY R/O VILLAGE-MUTHER, P.S-JEHANABAD (KARAUNA O.P.), DISTRICT-JEHANABAD.
2. ANCHALA DEVI W/O JITENDRA SHARMA @ JITENDRA MISTRY R/O VILLAGE-MUTHER, P.S-JEHANABAD (KARAUNA O.P.), DISTRICT-JEHANABAD.
3. CHANDAN KUMAR S/O JITENDRA SHARMA @ JITENDRA MISTRY R/O VILLAGE-MUTHER, P.S-JEHANABAD (KARAUNA O.P.), DISTRICT-JEHANABAD.
4. NANDAN KUMAR S/O JITENDRA SHARMA @ JITENDRA MISTRY R/O VILLAGE-MUTHER, P.S-JEHANABAD (KARAUNA O.P.), DISTRICT-JEHANABAD.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Paras Nath
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

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

Learned counsel for the appellants 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 25-03-2021 passed by learned Ist Additional Sessions Judge, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 936 of 2019 registered for the offences under Sections-498A, 379, 506/34 of the Indian Penal Code and



Sections-3(i)(r)(s)(w), 3(2)(va) of SC & ST (Prevention of Atrocities) Act, 2016 whereby the prayer made on behalf of the appellants for grant of anticipatory bail has been rejected.

Prosecution allegation in short is that the accused persons being in-laws, abused and assaulted the victim/informant. It is further alleged that they took her caste name and did not keep her with them.

It has been submitted on behalf of the appellants that there is no allegation of tampering of witnesses alleged against them. The appellants have falsely been implicated in the present case due to petty family dispute. The appellant Nos. 1 and 2 are father-in-law & mother-in-law whereas appellant Nos. 3 & 4 are brothers-in-law respectively. For oblique reasons, the appellants have been made accused in the present case. 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 appellants are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to set aside the order dated 25-03-2021 passed by learned Ist Additional Sessions Judge, Jehanabad in



connection with Jehanabad (Karauna O.P.) P.S. Case No. 936 of 2019 by which the anticipatory bail of the appellants was rejected.

Accordingly, the order dated 25-03-2021 passed by learned Ist Additional Sessions Judge, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 936 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, 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 their personal bond to the satisfaction of learned Ist Additional Sessions Judge, Jehanabad in connection with Jehanabad (Karauna O.P.) P.S. Case No. 936 of 2019.

Once the normalcy is restored, the appellants 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)

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