

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1863 of 2020

Arising Out of PS. Case No.-22 Year-2020 Thana- MAHILA P.S. District- Patna

1. SMT. SUNITA DEVI @ SUNITA KUNWAR W/o Late Ratan Kumar Malakar Resident of Prem Nagar Ward No.2, P.O and P.S.-Bhabhua, District-Kaimur.
2. Sagar @ Sagar Kumar Mali S/o Late Ratan Kumar Malakar Resident of Prem Nagar Ward No.2, P.O and P.S.-Bhabhua, District-Kaimur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Pandey, Advocate.

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

4 13-08-2021 Heard the parties in virtual Court.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 25.02.2020 by the learned Addl. Sessions Judge-VIII cum Special Judge (SC/ST Act), Patna in Mahila P.S. Case No. 22 of 2020 registered under Sections 498A and 313/34 of the Indian Penal Code, Sections 3/4 D.P. Act and Sections 3(i)(s) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the case arises out of a matrimonial discord and allegation against the appellants is that they called the complainant on mobile by taking her caste name.

Since the act committed by the appellants was not in public view, hence 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 bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the 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 Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the



appeal is allowed.

(Birendra Kumar, J)

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