

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3258 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- MAHILA P.S. District- Patna

AVISHEK KUMAR @ AVISHEK KUMAR MALAKAR S/o LATE
RANJAN PRASAD MALAKAR R/VILLAGE-LUXMI APARTMENT,
MUNNA CHAK, FLAT NO.-404, P.S-PATRAKAR NAGAR, DISTRICT-
PATNA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Sinha
For the Respondent/s : Mr.Usha Kumari I

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 29-06-
2021 passed by learned IIIrd Additional Sessions Judge-cum-
Special Judge, SC/ST Act, Patna in connection with Mahila P.S.
Case No. 44 of 2020 registered for the offences under Sections-
498A, 504, 506 of the Indian Penal Code & ¾ of D.P. Act as
well as Sections -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 after marriage, the appellant used to abuse the informant by saying her caste name and also used to demand dowry from the parents of the informant.

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 informant. 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 29-06-2021 passed by learned IIIrd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna in connection with Mahila P.S. Case No. 44 of 2020 by which the anticipatory bail of the appellant was rejected.

Accordingly, the order dated 29-06-2021 passed by learned IIIrd Additional Sessions Judge-cum-Special Judge,



SC/ST Act, Patna in connection with Mahila P.S. Case No. 44 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 IIIrd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Patna in Mahila P.S. Case No. 44 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)

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