

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.742 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- SC/ST District- Katihar

1. SUNAINA DEVI, Wife of Late Sanjay Anand R/o Village - Arihana, P.S. Azamnagar, District - Katihar.
2. Vishal Anand @ Vishal Kumar Rai Son of Late Sanjay Anand R/o Village - Arihana, P.S. Azamnagar, District - Katihar.
3. Abhishek Anand Son of Late Sanjay Anand R/o Village - Arihana, P.S. Azamnagar, District - Katihar.
4. Chandra Mohan Rai Son of Late Singheshwar Rai R/o Rajendra Nagar, Madhubani, P.S. - K. Hat, District - Purnea.
5. Avinash Kumar @ Akshay Son of Chandra Mohan Rai R/o Rajendra Nagar, Madhubani, P.S. - K. Hat, District - Purnea.
6. Nirbhay Anand Son of Chandra Mohan Rai R/o Rajendra Nagar, Madhubani, P.S. - K. Hat, District - Purnea.
7. Rukmini Wife of Avinash Kumar @ Akshay Anand R/o Rajendra Nagar, Madhubani, P.S. - K. Hat, District - Purnea.
8. Kumari Khushboo Wife of Nirbhay Anand R/o Rajendra Nagar, Madhubani, P.S. - K. Hat, District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Bidhu Ranjan
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-06-2021 Heard Mr. Ashok Kumar Jha, learned counsel

for the appellants and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellants have challenged the order

11.09.2020, passed by the learned Additional Sessions



Judge I cum Special Judge, Katihar, in A.B.P. No. 42 of 2020, arising out of Katihar SC/ST P. S. Case No. 09 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 323, 498A and 506 of the Indian Penal Code and Section 3(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The appellant no. 1 is the mother-in-law of the victim whereas appellant nos. 2 and 3 are the brothers of the husband of the informant. The appellant no. 4 is the grand father-in-law whereas the appellant nos. 5 and 6 are the cousin father-in-law of the informant. Appellant nos. 7 and 8 are the sisters of the mother-in-law of the informant.

The learned counsel for the appellants has submitted that no case under any one of the sections including Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to



have been made out against the appellants.

The son of the appellant no. 1 eloped with the informant for which the appellants may have expressed their annoyance. For the appellants not having accepted the marriage of the informant with the son of the appellant no. 1, this case has been lodged.

It appears to be primarily a case where the family members of the groom have not accepted the bride with open hands, perhaps on the grounds of caste. That by itself, it has been argued, would not make out a case of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellants.

For the afore-stated reasons, the order dated 11.09.2020, passed by the learned Additional Sessions Judge I cum Special Judge, Katihar, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or



surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I cum Special Judge, Katihar, in connection with Katihar SC/ST P. S. Case No. 09 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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