

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.789 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- CHANPATIA District- West Champaran

1. SHANTI DEVI Wife of Sadhu Yadav Resident of Village - Karnapatti, P.S.- Chanpatiya, District - West Champaran.
2. Sadhu Yadav Son of Late Deep Yadav Resident of Village - Karnapatti, P.S.- Chanpatiya, District - West Champaran.
3. Vikash Yadav Son of Sadhu Yadav Resident of Village - Karnapatti, P.S.- Chanpatiya, District - West Champaran.
4. Munna Yadav Son of Sadhu Yadav Resident of Village - Karnapatti, P.S.- Chanpatiya, District - West Champaran.
5. Arjun Yadav Son of Sadhu Yadav Resident of Village - Karnapatti, P.S.- Chanpatiya, District - West Champaran.
6. Ramashish Yadav Son of Deep Yadav Resident of Village - Karnapatti, P.S.- Chanpatiya, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vashistha Narayan Mishra- Advocate
For the Respondent/s : Mr. Sadanand Paswan- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 11-08-2021 Heard Mr. Vashistha Narayan Mishra, the learned Advocate for the appellants and Mr. Sadanand Paswan, the learned Special Public Prosecutor for the State.

The appellants who are the parents-in-law, brothers-in-law and the cousin father-in-law of the deceased respectively have challenged the order dated 05.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in



connection with Chanpatiya P. S. Case No.217 of 2020, instituted for the offences under Sections 304(B), 201/ 34 of the Indian Penal Code and Section 3(i)(r)(s)/ 3(2)(v)(v-a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The deceased was married to one Bipin Yadav which was an inter-caste marriage. The marriage had been performed because of the relationship which had developed between Bipin Yadav and the deceased. Both of them were leading happy conjugal life. The appellants did not have any say in the affairs of the deceased and her husband. It is quite unfortunate that the deceased has died but the responsibility, it has been argued, cannot be saddled upon the appellants. So far as the accusation under the SC/ST (P.O.A.) Act is concerned, it has been hurled only as a revenge and for giving an even more serious colour to the case. Once the daughter of the informant was taken in the family fold, there was no occasion for the appellants to have abused the informant by taking her caste name.

Apart from this, it has been submitted that the husband of the deceased has surrendered to the process of



law and is in custody.

Regard being had to the afore-stated facts, the order dated 05.11.2020 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Bettiah, West Champaran in connection with Chanpatiya P. S. Case No.217 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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