

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.1247 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- MAJORGANJ District- Sitamarhi

1. Dukha Mahto, S/o Anup Mahto

2. Phoolpatti Devi, W/o Dukha Mahto

Both are R/o village- Pachharwa Ward No. 7, P.S.- Majorganj, District- Sitamarhi, PIN CODE- 843332 (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Kumar, Adv.

For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 02-08-2021 Heard Mr. Uday Kumar, the learned Advocate for the appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 03.12.2020 passed by the learned 1st Addl. Sessions Judge/Special Judge (SC/ST Act), Sitamarhi in connection with Majorganj P.S. Case No. 105 of 2020, instituted for the



offences under Sections 376, 323 and 504 of the Indian Penal Code and Section 3(2)(v) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been alleged by the prosecutrix that the son of the appellants physically exploited her on the assurance of marrying her. This continued for about two years and when the prosecutrix realized that she had become pregnant, she pressurized the son of the appellants to marry her. When this was refused, the matter was reported to the appellants and in that context, it has been alleged that the appellants misbehaved with the prosecutrix and her other members of the family.

It has been submitted on behalf of the appellants that for the act of their son, they ought not to be prosecuted. All that the appellants had said was that their son, who is a major, is responsible for his own act and they did not have any control over him. This actually enraged the prosecutrix and she has implicated the appellants also in this case. The offence majorly is with respect to amorous



relationship between the son of the appellants and the prosecutrix. The appellants, it has been argued, were absolutely unaware about this relationship and, therefore, it was only logical for them to have expressed their helplessness in salvaging the situation for the prosecutrix.

Mr. Uday Kumar, the learned Advocate for the appellants has submitted that from the aforesaid background facts, the offence under the S.C./S.T. (Prevention of Atrocities) Act cannot at all be said to have been made out against them.

For the reasons afore-stated, the order dated 03.12.2020, referred to above, is set-aside.

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 Addl. Sessions Judge/Special Judge (SC/ST Act), Sitamarhi in connection with Majorganj P.S. Case No. 105 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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