

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4441 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. KAILASH ROY S/o- Late Ramji Roy Resident of Village- Kumharso, P.S.- Garhpura, District- Begusarai.
 2. Dropadi Devi W/o- Kailash Roy Resident of Village- Kumharso, P.S.- Garhpura, District- Begusarai.

... .. Appellants.

Versus

1. The State of Bihar.
2. Sangita Kumari D/o- Lukshami Paswan R/o Village- Bhanshi, P.S.- Garhpura, District- Begusarai.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Shubhesh Pandey
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-11-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

At the very out set, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.1 submitting that during pendency of this appeal appellant no.1 has surrendered before the learned Court below and granted bail. Hence, this appeal is now only with respect of appellant no.2.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.1.



Heard learned counsel for the appellant no.2, learned counsel for the informant and learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 31.08.2019 passed by learned Special Judge (SC/ST Act), Begusarai in connection with Complaint Case No. 112C of 2018 registered under Sections 366A & 323/34 of the Indian Penal Code and Section 3(1) (r) (w) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant no.2 that the appellant no.2 has no concern with the aforesaid occurrence. She has been made accused in the present case merely on suspicion. The allegation levelled against appellant no.2 is not specific rather general and omnibus in nature. As a matter of fact, the present case has been lodged against the appellants merely putting pressure on the family of the appellants to accept the complainant as daughter-in-law. Appellants have ousted their son as he was out of control. No offence under SC/ST Act is made out against the appellant no.2. Appellant no.2 has no criminal antecedent.



Learned counsel for the informant very fairly accepts that there is no specific allegation against appellant no.2.

In the facts and circumstances of the case, the above named appellant no.2, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Begusarai in connection with Complaint Case No.112C of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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