

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.292 of 2022

Arising Out of PS. Case No.-766 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. Rakesh Kumar S/o Rajeshwar Rai Resident of Village- Bhagwatpur, P.S.- Vaishali, District- Vaishali.
2. Ahilya Devi W/o Rajeshwar Rai Resident of Village- Bhagwatpur, P.S.- Vaishali, District- Vaishali.
3. Rajeshwar Rai @ Rameshwar Rai S/o Kishundev Rai Resident of Village- Bhagwatpur, P.S.- Vaishali, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nachiketa Jha
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 07-07-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 07.12.2021 passed by the learned Additional Sessions Judge-II-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Kudhani P.S. Case No. 766 of 2021 instituted for the offences punishable under Sections 342, 323, 498(A), 420, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby their



prayer for being released on anticipatory bail has been rejected.

It is alleged that co-accused Rajesh Kumar married with the informant and after marriage he took her to her matrimonial house but after 10-15 days, all the F.I.R named accused persons including the appellants assaulted her, put her signature on the blank paper, abused her by calling her caste name and thereafter ousted her from her matrimonial house.

It is submitted by learned counsel for the appellants that appellant has falsely been implicated in this case. The appellants are brother-in-law, mother-in-law and father-in-law of the informant. They have no concern with the day-to-day affairs of the informant and her husband. They live separately from her husband. The occurrence is alleged to have taken place in the house, hence the provisions under SC/ST Act shall not be attracted.

Taking into account the aforesaid facts, this



Court deems it appropriate to set aside the order dated 07.12.2021 passed by the learned Additional Sessions Judge-iI-cum-Special Judge, SC/ST Act, Muzaffarpur.

Accordingly, this appeal is allowed.

The appellants, above named are directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Kudhani P.S. Case No. 766 of 2021.

(Sunil Kumar Panwar, J)

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