

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.975 of 2022

Arising Out of PS. Case No.-153 Year-2018 Thana- TIKAPATTI District- Purnia

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1. Mukesh Kumar @ Mukesh Yadav Son Of Late Jadu Nandan Yadav R/O Village- Dhusar, P.S.- Tikapatti, Dist.- Purnea (BIHAR)
 2. Rupesh Kumar @ Rupesh Yadav Son Of Late Jadunandan Yadav R/O Village- Dhusar, P.S.- Tikapatti, Dist.- Purnea (BIHAR)
 3. Shashi Nandan Yadav Son Of Late Mohan Yadav R/O Village- Dhusar, P.S.- Tikapatti, Dist.- Purnea (BIHAR)
 4. Sumitra Devi Wife Of Late Jadu Nandan Yadav R/O Village- Dhusar, P.S.- Tikapatti, Dist.- Purnea (BIHAR)
 5. Anita Devi @ Kumari Anita Devi @ Kumari Anita Rani Wife Of Rupesh Kumar R/O Village- Dhusar, P.S.- Tikapatti, Dist.- Purnea (BIHAR)

... .. Appellant/s

Versus

1. The State Of Bihar
2. Phulmati Devi Jetha Hansda R/O Village-Teldiha, P.O. and P.S.-Tikapatti, District-Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 23-11-2022 Heard learned counsel appearing on behalf of appellants and Spl.P.P.

This appeal has been against the order dated 15.01.2022 passed by learned Additional Sessions Judge 1st-cum-Special Judge SC/ST (POA) Act, Purnea in connection with Tikapatti P.S. Case No. 153 of 2018 registered under Sections 493, 498A/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(z) and other allied sections of the SC/ST Act,



whereby the prayer for anticipatory bail of appellants has been rejected.

As per FIR, when the informant was alone in her house, one appellant, Mukesh Yadav, entered into the house and established physical relation with her and promised to marry her. Thereafter, she got married to the appellant. When she went to her matrimonial house she was tortured by her in-laws and was abused by caste name.

Learned counsel for the appellants denies the prosecution story and submits that informant is in a habit of filing false cases one after another. Earlier, informant has filed Supaul P. S. Case No. 148 of 1999 in which her statement recorded under Section 164 of Cr.P.C. she stated that she married one Sarwan Kumar Mahto in which she categorically denied any allegation of commission of rape against the appellant and after lapse of 10 years she has once again lodged this false and concocted case. The offence did not take place within the public view, as such, no offence under Section 3(1)(r) (s) of SC/ST Act is made out under against the appellants.

Learned counsel for respondent No.2 vehemently opposes the bail application.

Considering the facts and circumstances of the case, let the appellants, as named above, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (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 Act, Purnea in connection with Tikapatti P.S. Case No. 153 of 2018.

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

(Prabhat Kumar Singh, J)

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