

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2046 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- MEHANDIGANJ District- Patna

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1. Mithilesh Yadav Son Of Late Raji Yadav R/O Village- Ranjipur Nichali Gali Sangat Par, P.S.- Mehadiganj, District- Patna
 2. Guria Devi Wife Of Mithilesh Yadav Resident Of Ranipur, Nichali Gali Sangat Par, P.S.- Mehadiganj, District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bablu Das Son of gopal Das Resident of Hazari Mohallah, Nun ka chauraha, P.S.- Khajikala Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 10-11-2022

Learned Special P.P informed the court that the respondent no. 2 was informed through the Senior Superintendent of Police, Patna. Yet, none has appeared on behalf of respondent no. 2 and hence, the matter has been put up for hearing.

Heard learned counsel for the appellants, learned counsel for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 10.05.2005 passed by learned Special Judge (SC/ST) Act, Patna in connection with Special Case No. 88 of 2022 arising out of Mehadiganj P.S. Case No. 53 of 2022 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Sections 3 (2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution case, the marriage of the sister of the informant was solemnized with the co-accused Rohit Kumar after a love affair. Informant has alleged that just after marriage his sister was being tortured and assaulted. Subsequently, he was informed by the co-accused Rohit Kumar that his sister has died after falling from stairs. The informant showed his suspicion that the appellants who are parents of co-accused Rohit Kumar and other co-accused persons strangled his sister.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The co-accused son of the appellant solemnized marriage with the deceased sister of the informant as well as with co-accused Preeti Kumari on the same day. They were



studying in the same coaching center and co-accused Rohit Kumar married both the girls on the same date and this shows the appellants have no control over their son and it is not believable that the father and mother would allow their son to marry two girls at the same time. The co-accused Rohit Kumar started living with his two wives and Preeti Kumari became pregnant and when, the sister of the informant did not get pregnant, some dispute arose and deceased committed suicide. Learned counsel further submits that it was an inter-caste marriage and both the girls were from other community than the community of the appellants and as the deceased belonged to Schedule Caste community the case has been registered under Provisions of the Scheduled Caste/Scheduled Tribes (POA) Act. But the marriage and subsequent events show that there was no issue of any caste acrimony. The learned counsel further submits that the appellants are in custody since 22.03.2022 and charge sheet has been submitted. Learned counsel further submits that the co-accused husband Rohit Kumar is already in custody.

Learned Special P.P. opposes the submissions made on behalf of the appellants. Learned Special P.P. further submits that the appellant are named in the FIR for causing



death of the sister of the informant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of material against the appellants on record and further considering the nature of allegation in the background of the circumstances as discussed herein above, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST) Act, Patna in connection with Special Case No. 88 of 2022 arising out of Mehadiganj P.S. Case No. 53 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellants will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellants will be liable to be cancelled by the court concerned.

Accordingly, the impugned order is set aside and the



appeal is allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

