

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1889 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- SC/ST BAGHA District- West Champaran

1. JHUNNA DEVI D/o Bhirgun Chaudhary Resident of Village - Barwa Farm, P.S.- Bagha, District - West champaran.
2. Sarita Kumari D/o Bhirgun Chaudhary Resident of Village - Barwa Farm, P.S.- Bagha, District - West champaran.
3. Manisha Devi @ Manisha Kumari D/o Bhirgun Chaudhary Resident of Village - Barwa Farm, P.S.- Bagha, District - West champaran.
4. Dhupa Devi @ Ghupa Devi W/o Bhirgun Chaudhary Resident of Village - Barwa Farm, P.S.- Bagha, District - West champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Malti Devi W/o Jhagur Gond Resident of village - Mehpur, P.S. - Bagha- 1, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2022 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Learned counsel for the appellants, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to appellant no.4 as she has been arrested during pendency of the present anticipatory bail application.

Permission is accorded.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 10.02.2022 in A.B.P. No. 172 of 2022 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. Bettiah, West Champaran in connection with Bagha S.C./S.T. P.S. Case No. 31 of 2021 registered under Sections 341, 323, 504, 506 and 34 of the of the Indian Penal Code as well as Sections 3(i)(r)(s)/3(2) (va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent and the informant alleges that Manisha Kumari was married to Pramod Chaudhary about a year ago and the marriage was mediated by her son-in-law. Manisha Kumari after marriage left for Punjab with her husband and stayed there for about three months, it is next alleged that the parents of Manisha Kumari went to Punjab and brought her back to her home, thereafter the whereabouts of Manisha Kumari was not known to anyone. It is further alleged that Manisha Kumari after sometimes made a call to her husband informing that she is staying in her village in her parental home, accordingly her husband came back from Punjab with gifts as detailed in the F.I.R. and when he visited the parental home of his wife, he was assaulted and driven away



accordingly he came to the house of the informant and disclosed everything on which the informant along with her relatives went to the house of Manisha Kumari to make an inquiry where it is alleged that they were abused and assaulted for which they were treated at Sadar Hospital.

Learned counsel for the appellants submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that *prima-facie* no offence under the SC/ST Act is made out, it is next submitted that if what has been alleged is even presumed to be true without accepting the same, then also the entire occurrence has taken place in the parental home of Manisha Kumari and not within public view. The F.I.R. also does not even remotely disclose that what kind of abuses were hurled at the informant nor the F.I.R. discloses that the occurrence took place in presence of villagers as such it is submitted that notices are not required since no *prima-facie* case from bare reading of the allegations as alleged in the F.I.R. is made out.

Learned Spl.P.P. for the State opposes the prayer for anticipatory bail of the appellants but is not able to rebut the submissions made by the learned counsel for the appellants.

In view of the submissions made by the learned



counsel for the appellants, the order dated 10.02.2022 in A.B.P. No. 172 of 2022 arising out of Bagha S.C./S.T. P.S. Case No. 31 of 2021 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge S.C./S.T. Bettiah, West Champaran is hereby set aside and the appellant nos. 1, 2 and 3, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with in connection with Bagha S.C./S.T. P.S. Case No. 31 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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