

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3345 of 2021**

Arising Out of PS. Case No.-331 Year-2016 Thana- BANIAPUR District- Saran

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SUNIL SAH @ SUNIL S/o BACHULAL SAH R/o VILLAGE-PIRAUTA
KHAS, P.S-BANIYAPUR, DISTRICT-SARAN AT CHAPRA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Anju Devi wife of Dev Pujan Ram Resident of village- Pitauta, P.S.-
Baniyapur, District- Saran at Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mrs.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-03-2022 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Vide order dated 29.11.2021, notice was directed to be issued upon the respondent no.2 and as per office notes dated 22.03.2022, though notice has been validly served upon the respondent no.2 but nobody, as yet on her behalf has entered appearance in this case.

Learned counsel for the appellants undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14 (A) of the Schedule



Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (hereinafter, in short, referred to as the SC/ST Act) against the refusal of prayer for bail vide order dated 30.01.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge (SC/ST Act), Saran at Chapra, in connection with Baniyapur P.S. Case No.331 of 2016, registered under sections 323, 379, 498(A), 494 of the IPC, sections 3 & 4 of the Dowry Prohibition Act and section 3(i)(x) of the SC/ST Act.

The allegation against the appellant is of abusing and assaulting the informant.

It is submitted by learned counsel for the appellant that no such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case. There is general and omnibus allegation against the appellant. The respondent no.2 is not the wife of the appellant. It is stated that during the investigation, police has recorded the statement of one Dev Pujan Ram @ Buddha Ram, who stated that he is husband of the informant and has two sons and further stated that he has no knowledge that there is love affair between Sunil Sah i.e. appellant and his wife i.e. informant. Other witnesses have also supported this fact, which is evident from the case diary. The appellant has no criminal antecedent and has been



languishing in custody since 10.10.2020.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstance of the case, considering the custody of the appellant of more than one year, the above named appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge -cum- Special Judge (SC/ST Act), Saran at Chapra, in connection with Baniyapur P.S. Case No.331 of 2016.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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