

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3742 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- MAHILA P.S. District- Araria

1. Upendra Singh S/o Ram Swaroop Singh R/o village- Khajurbadi, P.S.- Kursakanta, District- Araria.
2. Nilam Devi W/o Upendra Singh R/o village- Khajurbadi, P.S.- Kursakanta, District- Araria.
3. Devram Singh @ Deo Ram Singh S/o Ram Swaroop Singh R/o village- Khajurbadi, P.S.- Kursakanta, District- Araria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-04-2022 At the outset, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellants no.1 and 2, namely, Upendra Singh and Nilam Devi as they have already been apprehended by the police.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn so far as appellants no.1 and 2 are concerned.

Now, the appeal survives only against appellant no.3.

Heard learned counsel for the appellant, learned Special P.P. for the State as well as the learned counsel for the informant.

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 of anticipatory bail vide order dated 10.08.2021, passed by learned 1st Additional Sessions-cum-Special Judge, Araria in connection with Araria (Mahila) P.S. Case No.65 of 2021, registered under Sections 376, 313, 341, 323, 504, 34 of the Indian Penal Code and Sections 3(2)(Va) of the SC/ST Act.

Appellant No.3 is said to have demanded Rs.5,00,000/- and a motorcycle as dowry from the informant. It is also alleged against the appellant and other co-accused persons that they abused the informant and tried to kill her by pressing her neck.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against the appellant. Special allegation is against Sushil Kumar Singh. It is further submitted that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has only taken the name of Sushil Kumar Singh. It is submitted that the appellant has got no criminal antecedent as stated in paragraph 3 of the memo of appeal.

Learned counsel for the informant fairly submits that the matter has been compromised between the parties.

Taking into consideration the facts that the matter has been compromised between the parties and no specific allegation



is made against the appellant, let appellant no.3, namely, Devram Singh @ Deo Ram Singh in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions-cum-Special Judge, Araria in connection with Araria (Mahila) P.S. Case No.65 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J.)

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