

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2940 of 2022**

Arising Out of PS. Case No.-14 Year-2022 Thana- MAHILA District- Munger

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1. SAVITA CHOURASIA @ SABITA DEVI W/O JAGESHWAR CHOURASIA @ JAGESHWAR CHOURASIYA. Resident of Village- Muradih, P.S.- Sahatwar, District- Balia, Uttar Pradesh
 2. JAGESHWAR CHOURASIYA @ JAGESHWAR CHOURASIA S/O LATE SUDARSHAN CHOURASIA. Resident of Village- Muradih, P.S.- Sahatwar, District- Balia, Uttar Pradesh

... .. Appellant/s

Versus

1. The State of Bihar
2. Pihu Kumari D/O Deo Kumar Rao Resident of village- Shankarpur, P.S.- Mufassil, District- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinod Shanker Modi
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 15-12-2022 Learned counsel for the appellants is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the appellants, learned counsel appearing on behalf of the informant and learned Special Public Prosecutor for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 28.07.2022 in A.B.A. No. 1178 of 2022 passed



by the learned Additional Sessions Judge-I, Munger in connection with Mahila P.S. Case No. 14 of 2022 registered under Sections 498A, 341, 323, 354A, 504, 506, 509/34 of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Sections 3(i)(r)(s)(w)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they along with his family members used to harass the informant for non-fulfillment of demand of Rs. 5,00,000/- and motorcycle as dowry and also threatened to kill her. It is further alleged that the appellants abused using caste name as “Dharhi Dusadh” and assaulted her with danda.

Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. He further submits that in fact the appellant no. 1 is mother-in-law and appellant no. 2 is father-in-law and they have never demanded any demand of dowry and the allegation as alleged in the F.I.R. is false and fabricated and there is no specific allegation of any assault or any overt act against the appellants .

Learned counsel for the informant as well as learned Special Public Prosecutor for the State have vehemently



opposed the prayer for anticipatory bail of the appellants.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mahila P.S. Case No. 14 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along with other following conditions :-

(1) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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