

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3530 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- SC/ST District- Sitamarhi

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1. Shail Devi Wife of Dharmendra Prasad R/o Ward No.- 1, Manik Chowk, P.S.- Runni Saidpur, District - Sitamarhi.
 2. Dharmendra Prasad Son of Late Kishori Sah R/o Ward No.- 1, Manik Chowk, P.S.- Runni Saidpur, District - Sitamarhi.
 3. Alok Kumar Son of Dharmendra Prasad R/o Ward No.- 1, Manik Chowk, P.S.- Runni Saidpur, District - Sitamarhi.
 4. Pushpanjali Kumari Wife of Alok Kumar R/o Ward No.- 1, Manik Chowk, P.S.- Runni Saidpur, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Smt. Sunita Kumari Wife of Laxmeshwar Paswan D/o Rameshwar Paswan R/o Amaghattha, Ward No.- 09, P.S. and Dist. - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dinkar Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-11-2022 Heard learned counsel for the appellants and learned counsel for the informant as well as 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 08.08.2022 in A.B.P. No. 1911 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi, in connection with SC/ST Case No. 103 of 2022 arising out of Sitamarhi SC/ST P.S. Case No.



18 of 2022 registered under Sections 341, 323, 313, 354, 354(A), 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(c)(w)(i), 3(2)(va) of SC/ST Act, 1989.

As per prosecution case, as per F.I.R. that the informant Sunita Kumari and the co-accused Awanish Kumar was working in Hundai Agency and said Awanish Kumar used to propose her to marry with him and the family members of Awanish Kumar also agree for marriage while the informant told them that she had already married and mother of one child and in this way on 22.03.2022 marriage was solemnized in Janki Asthan, Sitamarhi. Thereafter, the informant went to her Sasural in village Manikchawk. She became pregnant and then the accused persons demanded the land which was in the name of her mother in dowry and on refusal, they began torturing her in different ways and also abused her by calling out her caste name. The accused persons also dragged her as a result of which she became naked and suddenly pain started in her abdomen and in the hospital the accused persons got her pregnancy terminated. They also ousted her from the house and threatened to kill her.

Learned counsel for the appellants submits that appellants have clean antecedent and they has falsely been



implicated in the present case. He further submits that in fact the appellants are in-laws of the informant and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that it appears from the F.I.R. that only allegation against the husband of the informant namely, Awnish Kumar.

The learned counsel for the informant as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellants and submits that there is direct allegation against the appellants that they abused the informant.

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.

Considering the aforesaid facts and circumstances, let the appellants, above named, in the event of their arrest or surrender within a period of four weeks, 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 the learned Court below where the case is pending in connection with SC/ST Case No. 103 of 2022 arising out of Sitamarhi SC/ST P.S. Case No. 18 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 bond shall be cancelled by the Court below.

2. If the appellants tamper with the evidence or the witnesses, 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 antecedent, 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.

(Rajesh Kumar Verma, J)

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