

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4868 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- MAHILA P.S. District- Patna

RAHUL KUMAR MALAKAR S/O LATE RATAN KUMAR MALAKAR
Resident of Prem Nagar, Ward No. 2, P.O. and P.S.- Bhabhua, District-
Kaimur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar Pandey, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
		Mr.Prashant Kashyap, Adv.
		Mr.Vishnu Shankar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2022 Heard learned counsel for the appellant, learned counsel
for the informant and learned Special Public Prosecutor for the
State.

Learned counsel for the appellant 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)(2) of the Scheduled
Castes and Scheduled Tribes (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 18.11.2021, passed
by learned Additional District & Sessions Judge -III-cum-



Special Judge (SC/ST), Patna, in connection with Mahila P.S. Case No.22/2020, registered under sections 498A, 313/34 of the IPC, section 3/4 of D.P. Act and section 3(i)(s) of SC/ST Act.

Allegedly, the appellant being the husband of the informant used to abuse in the caste name and torture her over the demand of dowry.

It is submitted by learned counsel for the appellant that no such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case due to grudge. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that the alleged occurrence has taken place in public view. The allegation levelled against the appellant is not specific rather general and omnibus in nature. It is submitted that the appellant has never tortured the informant nor has made any dowry demand. She herself left the house and then the appellant filed a Matrimonial Divorce Suit No.1193/2019 before the learned Principal Judge, Family Court, Patna. The appellant has been languishing in custody since 03.09.2021 and has no criminal antecedent.

Learned Spl. PP for the State as well as learned counsel for the informant have opposed the prayer for bail and submit that the case is triable by the learned Magistrate and informant



is still ready and willing to live with her husband (appellant).

In the facts and circumstance of the case, considering the custody of the appellant and that the case is triable by the Magistrate, 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 learned Additional District & Sessions Judge -III-cum- Special Judge (SC/ST), Patna, in connection with Mahila P.S. Case No.22/2020.

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

(Anjani Kumar Sharan, J)

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