

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.396 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- BARAULI District- Gopalganj

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1. PUNAM DEVI WIFE OF BIRENDRA SHARMA RESIDENT OF VILLAGE - SAREYA NARENDRA, P.S.- BARAULI (MADHOPUR O.P.), DISTRICT - GOPALGANJ
 2. DIPAK KUMAR SHARMA @ DIPAK KUMAR SON OF BIRENDRA SHARMA RESIDENT OF VILLAGE - SAREYA NARENDRA, P.S.- BARAULI (MADHOPUR O.P.), DISTRICT - GOPALGANJ

... .. APPELLANT/S

VERSUS

1. THE STATE OF BIHAR.
2. BECHU BAITHA SON OF TILANGI BAITHA RESIDENT OF VILLAGE- SAREYA NARENDRA, P.S- BARAULI(MADHOPUR O.P), DISTRICT- GOPALGANJ

... .. RESPONDENT/S

Appearance :

For the Appellant/s : Mr.Javed Aslam, Adv.
For the Respondent/s : Mr.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2023 1. Despite valid issued of notice, nobody appears on behalf of the respondent No . 2.

2. Heard learned counsel for the parties.

3. This appeal has been filed for setting aside order dated 28.11.2022, passed in a case registered for the offence punishable under sections 306/34 and other allied sections of the Indian Penal Code and sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,



whereby the prayer for anticipatory bail of the appellant has been rejected.

4. As per F.I.R, on 19.04.2022, an occurrence of maarpit took place between informant's family and appellants. It is further alleged that appellants were giving threat to the informant and his daughter to withdraw the earlier case lodged by the informant, otherwise they would viral the obscene photos and videos of the informant's daughter and due to fear and shame on 04.05.2022, informant's daughter (victim) committed suicide by consuming poison.

5. It is submitted that both the parties are neighbour and there is pending land dispute between them due to which appellants have falsely been implicated in this false and concocted case. In the entire F.I.R. there is no allegation that those appellants played an active role or instigated provoked the deceased to commit suicide. There is no allegation of abuse by caste name , as such, no case under SC/ST Act is made out against these appellants.

6. Learned Counsel for the parties oppose the prayer for bail.

7. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants,



named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 of Addl. District & Sessions Judge-III-cum Spl. Judge SC/St Act, Gopalganj, in connection with Barauli (Madhopur O.P.) Police Station Case No. 166 of 2022.

(Prabhat Kumar Singh, J)

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