

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1002 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- MAHILA P.S. District- Patna

JANARDHAN GOPE @ LALLAN GOPE @ LALLA GOPE S/O LATE
LAKHAN GOPE R/o - Tulsi Mandi, P.S.- Alamganj, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. GURIA KUMARI @ FURIA DEVI D/O SAHDEO PASWAN R/o- Aadami
Gaon near Sashtri Nagar police station , P.S.- Sashtri Nagar , District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Mohan

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 25-04-2023 Heard learned counsel for the appellant as well as
the learned Special Public Prosecutor for the State.

This appeal has been preferred on behalf of the appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 18.01.2023, in connection with Special Case No. 175 of 2021, arising out of Mahila P.S. Case No. 71 of 2021, registered for offence punishable under sections 341, 323, 498(A), 313/34 of the Indian Penal Code and sections 3/4 of the D.P. Act and under Sections 3(i), 2(ii) (v) of the SC/ST (POA) Act, whereby the prayer for bail of the appellant has been rejected.



It is admitted fact that the son of the informant has solemnized marriage with the informant, who belongs to the Scheduled Caste. As per allegation, the accused persons assaulted the informant. The allegation against the husband is that after leaving the informant in tenanted house, he absconded and she could not collect her belongings from the tenanted house.

The learned counsel for the appellant has submitted that the appellant is father-in-law of the informant. As such, there is no question of humiliating her by calling her caste name. He has falsely been implicated merely because he is father of Shubham Kumar @ Shivam Yadav, who is main accused. The FIR shows itself that Shubham Kumar @ Shivam Yadav and the informant were living in a tenanted portion and the appellant was residing separately. The provisions of SC/ST Act does not attract in this case. The appellant is under custody since 20.01.2022.

Considering the above-mentioned facts and circumstances, the appeal is allowed and the impugned order dated 18.01.2023 is set aside. Accordingly, the appellant, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the



satisfaction of learned Special Judge, SC/ST Act, Patna in
connection with Special Case No. 175 of 2021, arising out of
Mahila P.S. Case No. 71 of 2021.

(Nawneet Kumar Pandey, J)

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