

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1360 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- SC/ST District- Patna

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1. Sonam Devi @ Sonam Kumari, Wife Of Sri Anil Kumar, Resident Of Mohalla- Narayan Nagar, Ballamichak, Anisabad, PS- Phulwari Sharif, Dist- Patna
 2. Anita Kumari @ Anita Devi, Wife Of Sri Sonu Kumar, Resident Of Village- Turma Gumti, Parsa, PS- Parsa Bazar, Dist- Patna
 3. Deepak Kumar, Son Of Sri Raj Kumar Saw, Resident Of Village- Turma Gumti, Parsa, PS- Parsa Bazar, Dist- Patna
 4. Rousan Kumar, Son Of Sri Raj Kumar Saw, Resident Of Village- Kurthoul, PS- Parsa Bazar, Dist- Patna
 5. Shasi Kumar @ Sasi Kumar, Son Of Sri Raj Kumar Saw, Resident Of Village- Kurthoul, PS- Parsa Bazar, Dist- Patna
 6. Ajit Kumar, Son Of Sri Sohan Saw, Resident Of Gate No. 41, Rajapur, Mainpura, Sideshwar Nagar, Near Ramchandra Lodge, PS- Patliputra, Dist- Patna
 7. Ashok Kumar @ Ashok Saw, Son Of Late Baldeo Saw, Resident Of Mohalla- Chiragaura, Hirapur, Dhanbad, PS- Dhanbad, Dist- Dhanbad

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Kumari, D/O Sri Ambika Prasad Das, R/O Mohalla- R.K. Puram, P.S.- Danapur, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has
informed that in compliance of the order dated 26.07.2023, he
has informed the informant/ complainant but none is present on



his/her behalf.

3. 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 of anticipatory bail vide order dated 10.02.2023 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with SC/ST Gardanibagh P.S. Case No. 45 of 2022. registered under Sections 376, 377 341, 342, 323, 504, 506, 498(A)/34 of the Indian Penal Code and Sections 3(a)(r)(s), W(ii)(z)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that Arun Kumar forcefully made physical relation with the informant and made the video of the same, and thereafter, he solemnized marriage with her before the Special Marriage Officer, Patna. When the informant was brought to his matrimonial house, all the family members (including her husband) tortured the informant and abused her by taking caste name.

5. It is submitted by learned counsel for the appellants that there is general and omnibus allegation against the appellants and there is no specific overt act against these



appellants. Specific allegation is against the co-accused Arun Kumar (husband of the informant). He is already in judicial custody. Learned counsel for the appellants further submits that the entire family has made accused in the present case. Earlier, the informant has filed a domestic violence case against the entire family as mentioned in para 3 of memo of appeal.

6. Learned Special Public Prosecutor for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, the above named appellants, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Patna in connection with SC/ST Gardanibagh P.S. Case No. 45 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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