

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2938 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- MEHANDIGANJ District- Patna

PRITI KUMARI Daughter of Tunnu Choudhary Resident of Village -
Pratappur, P.S.- Mehandiganj, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Das Son of Gopal Das Resident of Mohalla - Hajari Mohalla, Noon
Ka Chouraha, P.S.- Khajekalan, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jay Ram Prasad, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-07-2023 1. Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for **anticipatory bail** *vide*
order dated 20.07.2022 in A.B.P. No. 4435 of 2022 passed by
the learned Special Judge S.C./S.T. (POA) Act, Patna in
connection with Mehandiganj P.S. Case No. 53 of 2022
registered for the offences punishable under Sections 302 and 34
of the Indian Penal Code as well as Sections 3(2)(v) of the
SC/ST Act.

3. Learned counsel for the appellant submits that by



order dated 03.11.2022, notices were issued and accordingly the notices were filed in time on the address mentioned in the FIR.

4. From perusal of the office report, it appears that the notice was returned with an observation that the house was found locked.

5. Learned counsel for the appellant submits that the appellant is a person with clean antecedent and the informant alleges that his sister Mamta married Rohit, the marriage was a love marriage, it is next alleged that on 22.03.2022, he was informed by his brother-in-law that his sister has become unconscious, accordingly he came to the place of occurrence where he saw the dead body of the sister but with no external injury except for mark of a rope around her neck, thus based on suspicion alleges that the accused persons, including the appellant, who is second wife of Rohit committed the occurrence.

6. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case, it is next submitted that the appellant was not knowing that Rohit was married from before and thus she also performed love marriage with Rohit but when she came to know about his marriage with the deceased, she left him and went to her



parental home, further she was not even present at the place of occurrence, it is next submitted that the entire allegation against the appellant hinges around suspicion.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

8. In view of the submissions made by the learned counsel for the appellant, the order dated 20.07.2022 in A.B.P. No. 4435 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Patna in connection with Mehandiganj P.S. Case No. 53 of 2022 is hereby set aside and the appellant above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mehandiganj P.S. Case No. 53 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

