

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3317 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- MAHILA P.S. District- Munger

1. SHALU KUMARI @ KUMARI SHALU CHOURASIA D/o Jageshwar Chourasia @ Jageshwar Chourasiya R/o Village- Muradih, P.S.- Sahatwar, Distt- Balia, Uttar Pradesh.
2. Bachchan Kumar S/o Late Sunil Kumar R/o Village- Chandra Nagar (Ranko), P.S.- Khagaria, Distt- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pihu Kumari D/o Deo Kumar Ram R/o Village- Shankarpur, P.S.- Mufassil, Distt- Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinod Shanker Modi, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.
Mr. Bhavesh Kumar Sah, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.08.2022 passed by learned Additional Sessions Judge I, Munger in connection with Mahila P.S. Case No. 14/2022 registered under Sections 498A, 341, 323, 354-A, 504, 506, 509, 34 of the Indian Penal Code, ¾ of the Dowry Prohibition Act and Section 3(i) (r) (s) (w) (ii), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Allegedly, petitioners, along with other family members, are said to have tortured upon the informant mentally and physically. They also ousted her from her matrimonial home. It is further alleged that the appellants abused using her caste name.

It is submitted by learned counsel for the appellants that appellant no.1 is unmarried Nanad and appellant no.2 is the maternal uncle (Mama) of the appellants and they neither made demand of dowry nor tortured the informant. Appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to personal grudge. The allegation levelled against the appellants is not specific rather general and omnibus in nature. It is further stated that similarly situated co-accused have been granted anticipatory bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 2940 of 2022 vide order dated 15.12.2022. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, since there is no specific overt act against the appellants, the above named



appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged 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 Addl. Sessions Judge I, Munger in connection with Mahila P.S Case No. 14 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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