

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3797 of 2022

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

Sujit Kumar @ Sujit Chourasia Son of Jageshwar Chourasia @ Jageshwar
Chourasiya R/v- Muradih, P.S.- Sahatwar, District- Balia, Uttar Pradesh

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Shanker Modi, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP
	:	Mr. Bhavesh Kumar Sah, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-05-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl. P.P. for the State.

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 16.09.2022 in A.B.A. No. 1643 of 2022 passed by the learned Additional Sessions Judge-I, Munger in connection with Mahila P.S. Case No. 14 of 2022 registered for the offences punishable under Sections 498A, 341, 323, 354-A, 504, 506, 509 and 34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act as well as Sections 3(i)(r)(s)(w)(ii), 3(2) (va) of the SC/ST Act.



Learned counsel for the appellant submits that the appellant has antecedent of one case and the present informant earlier had instituted a case under Section 376 of the Indian Penal Code read with other sections against this appellant. It is further submitted that thereafter the appellant and the informant got married. It is next submitted that appellant is in the CRPF and the informant alleges that after marriage, the appellant along with his family members were demanding Rs. 5,00,000/- and a motorcycle by way of dowry failing which the informant would be killed, it is next alleged that the accused persons also abused her by taking her caste name and even tortured her physically and mentally for non-fulfillment of the dowry demand and finally the informant was ousted from her matrimonial home on 05.04.2022.

Learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the same does not inspire any confidence for the reason that earlier the informant had instituted a case under Section 376 against the appellant and thereafter got married, it is next submitted that after marriage it absolutely does not stand to reason that why the appellant would have demanded Rs. 5,00,000/- and a motorcycle. It is next submitted that as far as



allegation under the SC/ST Act is concerned, the same is ornamental in nature and has been levelled only to give a serious color to the case so that the appellant does not get anticipatory bail. Learned counsel submits that from perusal of the allegation as alleged in the FIR it would manifest that even presuming what has been alleged is true then everything happened within the confines of the house and not in public view as such provisions of SC/ST Act does not get attracted. Learned counsel next submits that informant is only trying to harass the appellant since he is in CRPF and she does not want to stay with his family while he is on duty.

Learned Spl. P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the appellant but are not in a position to rebut the submission of the learned counsel for the appellant that whatever happened happened within the confines of the house as such the relevant provisions of SC/ST Act does not get attracted and as far as the allegation of demand of dowry is concerned, the same is general and omnibus in nature.

In view of the submissions made by the learned counsel for the appellants, the order dated 16.09.2022 in A.B.A. No. 1643 of 2022 passed by the learned Additional Sessions



Judge-I, Munger in connection with Mahila P.S. Case No. 14 of 2022 is hereby set aside and the appellant above-named, in the event of his 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 Mahila P.S. Case No. 14 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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