

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.239 of 2023

Arising Out of PS. Case No.-482 Year-2022 Thana- SITAMARHI District- Sitamarhi

SIDHU @ SIDHARTH KUMAR Son of Late Tarun Sharma R/o - Krishna Nagar, Ward No.- 2 Near North Side of Sitamarhi Railway Station , P.S. and District - Sitamarhi, Permanent Resident of village - Shivaipatti, P.S.- Bajpatti, District – Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Neha Kumari Wife of Sidharth Kumar R/o - Krishna Nagar, Ward No.- 2 Near North Side of Sitamarhi Railway Station, P.S. and District - Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-04-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 25.11.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in P.S. Case No. 482 of 2022, whereby the prayer for bail of the appellant in a case registered under Section 341, 323, 498A, 504/34 of the Indian Penal Code and sections 3(i)(r)(s)(w), 3(2)(va) of the SC/ST Act was rejected.

Allegations against the appellant is of that he solemnized inter-cast marriage with the informant and kept his wife in his house with parents. After one month, appellant's elder sister and one other assaulted the informant by taking her cast



name and ultimately they ousted her from her matrimonial home.

It is submitted by learned counsel for the appellant that appellant have been falsely implicated in this case because appellant is husband of the informant , performed inter-caste marriage with the informant, who belongs to SC/ST community. He has not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Specific allegation is against his sister and neighbor and not against him. Appellant is languishing in judicial custody since 21.10.2022.

It is submitted by learned counsel for the informant that some maintenance may be given to informant for her survival as she is a housewife and she is not able to maintain herself .

In the alternative, learned counsel appearing on behalf of the appellant, submits that appellant is ready to give Rupee three thousand per month from this month, subject to furnishing bank account number by the informant to the petitioner.

In the changed circumstance, learned counsel for the informant admits that he shall provide bank account number of the informant to the appellant within a period of one week from today. On receipt of the bank account number of the informant,



the appellant shall deposit Rs. 3,000/- (three Thousand) commencing from this month i.e. April as maintenance in the account furnished by the informant.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 25.11.2022 passed in Sitamarhi P.S. Case No. 482 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Sitamarhi P.S. Case No. 482 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-special Judge, SC/ST Sitamarhi.

The aforesaid payment will be subject to any order passed in the maintenance case for final settlement.

(Sunil Kumar Panwar, J)

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