

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3004 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- MAHILA P.S. District- Patna

RAUSHAN KUMAR S/O SRI BHOLA PRASAD MANDAL Resident of
Village- Maheshpur, P.S.- Pipra, District- Supaul

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR BIHAR
- 2. SANJU SINHA W/O RAUSHAN KUMAR R/O VILLAGE-
MAHESHPUR, P.S- PIPRA, DISTT.- SUPAUL, AT PRESENT RESIDING
AT BHOOTNATH ROAD, JANTA FLAT, PATNA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar Mr. Shikar Mani Mr. Rishabh Gupta Mr. Rajnish Prakash Ms. Lakshmi Kumari
For the Resp. No. 2	:	Mr. Suraj Kumar Tiwari
For the Respondent/s	:	Mr. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 22-08-2024 Heard learned counsel for the appellant and learned
counsel for the respondent no. 2 as well as learned Special
Public Prosecutor 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 against the rejection of prayer for bail
vide order dated 13.06.2024 passed by the learned Exclusive
Special Judge, SC/ST (POA) Act, Civil Court (Sadar) Patna,
in connection with Mahila P.S. Case No. 14 of 2024 dated



17.02.2024 registered for the offence/s punishable u/ss 323, 498A, 504, 506 read with section 34 of the Indian Penal Code, section 3/4 of the DP Act and sections 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant and the co-accused persons are alleged to have tortured the informant physically and mentally due to non-fulfillment of demand of Rs. ten lakhs and a four wheeler vehicle.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under section SC/ST Act. The appellant is the husband of the informant. There is general and omnibus allegation against the appellant. The appellant neither demanded any dowry nor tortured the informant. The appellant has no criminal antecedent as stated in para 3 of the bail petition. The appellant is in custody since 25.04.2024.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the



bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 13.06.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Civil Court (Sadar) Patna, in connection with Mahila P.S. Case No. 14 of 2024, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST (POA) Act, Civil Court (Sadar) Patna, in connection with Mahila P.S. Case No. 14 of 2024, with the condition/s:-

(i) The appellant is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

8. If so advised, either of the parties will be at liberty to make an application before the Court below for



referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

(Chandra Prakash Singh, J)

guddukr/-

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