

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3578 of 2023

Arising Out of PS. Case No.-546 Year-2023 Thana- TURKAULIYA District- East
Champaran

MD. TALIF REJA son of Parvej Reja Village- Semra Belwatiya Ps-
Turkauliya dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Preeti Kumari D/o- Raj Kumar Village- Rashulgardh Ps- Pahasu Dist-
Buland Shahr State- U.P At Present Sharfabad Sector-73, Noida , P.S.
Janpad, Gautambudh Nagar, District- Gautambudh Nagar, (U.P)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rashmi Jha, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Binay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-01-2024 Heard learned counsel for the appellant, learned counsel
for the respondent No.2 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
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for anticipatory bail vide order dated
06.07.2023, passed by learned Special Judge, SC/ST (POA) Act,
East Champaran at Motihari, in connection with Turkauliya P.S.
Case No.546 of 2023, registered u/s 341, 323, 379, 494, 498(A),
420, 504, 506, 34 of the IPC, $\frac{3}{4}$ of D.P. Act and sections 3(1)(r)
(s)/3(2)(v) of the SC and ST Act.



3. Appellant, who is husband of informant, is said to have married the informant after her conversion to Muslim religion and thereafter demanded Rs.Ten Lacs as dowry to live with her.

4. It is submitted by learned counsel for the appellant that the appellant is an innocent person and has committed no offence. Appellant has neither made any dowry demand nor drove her out of his house nor tormented her over the demand of dowry. The appellant has relied upon the judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006 (3) PLJR 182**. It is further submitted that no offence under the SC/ST Act is made out against the appellant as nothing is said to have been committed on the ground that the informant belongs to SC/ST community. Appellant has no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari, in connection with Turkauliya P.S. Case No.546 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

7. Appellant is ready to pay Rs.10,000.00 (Rupees Ten Thousand) per month to the informant in the second week of every month. If the appellant fails to pay the aforesaid amount on two consecutive months, informant shall be at liberty to move before the learned Court below for cancelling the bail bond of the appellant.

8. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

9. Learned counsel for the respondent No.2 is directed to furnish the bank account details of the informant before the learned Court below. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant after she furnishes her bank account details.

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



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

11. With the aforesaid observation and direction, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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