

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4548 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Araria

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1. CHANDAN RAY @ CHANDAN KUMAR ROY AND OTHERS SON OF VIDYANAND RAY RESIDENT OF VILLAGE - GUNWANTI, PS-BAUSI, DIST- ARARIA
 2. ANURADHA DEVI WIFE OF VIKASH KUMAR RAY RESIDENT OF VILLAGE - GUNWANTI, PS- BAUSI, DIST- ARARIA
 3. VIVEKANAND RAY SON OF VIDYANAND RAY RESIDENT OF VILLAGE - GUNWANTI, PS- BAUSI, DIST- ARARIA
 4. REKHA DEVI WIFE OF CHANDAN RAY RESIDENT OF VILLAGE - GUNWANTI, PS- BAUSI, DIST- ARARIA
 5. USHA DEVI WIFE OF VIVEKANAND RAY RESIDENT OF VILLAGE - GUNWANTI, PS- BAUSI, DIST- ARARIA
 6. ANAMIKA KUMAR @ ANAMIKA KUMARI DAUGHTER OF VIVEKANAND RAY RESIDENT OF VILLAGE - GUNWANTI, PS-BAUSI, DIST- ARARIA

... .. Appellant/s

Versus

1. The State of Bihar
2. SARITA SINGH WIFE OF VIKASH KUMAR RESIDENT OF VILLAGE - GUNWANTI, WARD NO 1, PS- BAUSI, DIST- ARARIA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 27-06-2024 Despite valid service of notice , nobody appears
on behalf of respondent No. 2.



2. This appeal has been filed for setting aside order dated 14.12.2022, passed in a case registered for the offence punishable under sections 147, 149, 341, 323, 504, 506, 324, 354 (B) and 379 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on 22.06.2023 at about 05:00 p.m. the husband of informant was at this house, meanwhile all the F.I.R. named accused persons including these appellants armed with deadly weapon came there and abused her by caste name and also assaulted due to which the informant and her husband became unconscious and fell down on the ground. It is further alleged that accused persons also tore her clothes with bad intention. The accused persons also snatched the jewelry of the informant.

4. It is submitted on behalf of these petitioners that they have falsely been implicated in this case. Appellant No. 2 *Anuradha Devi* has solemnized marriage with the so-called husband of the informant, namely *Vikash Kumar Ray*, in the year 2007, and they have three children out of the wedlock. But



the husband of appellant no. 2 has solemnized an illegal second marriage with the informant under a hatched plan of family members of the husband of appellant and ousted the appellant no. 2 from her matrimonial house. For the aforesaid occurrence, appellant no. 2 has also filed a complaint bearing Complaint Case No. 665 C of 2023 on 10.04.2023 before learned Chief Judicial Magistrate, *Araria*, under sections 147, 149, 354 (B), 498 A, 494, 506 of the Indian Penal Code against nine named accused persons, including the informant and her so-called husband, and cognizance has been taken vide order dated 17.05.2023 by the Court below, and in retaliation, this false and concocted case has been lodged. It is not the case of prosecution that any member of public was present at the time of incidence , as such, no case under SC/ST Act is made out. Rest of the allegation is super addition to make the case grave in nature .

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to these appellants only and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of
the learned 1st Additional Session Judge cum Special Judge ,
Araria in connection with Araria Police Station Case No. 15
of 2023 .

(Prabhat Kumar Singh, J)

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