

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5189 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- MAHILA P.S. District- Patna

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Bebi Devi @ Bebi Yadav Wife Of Janardhan Gope @ Lallan Gope R/O Tulsi
Mandi, Near Electric Pole, Rina Shree, Gulzarbagh, P.S.- Alamganj, District-
Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Guria Kumari @ Guria Devi D/O Sahdeo Paswan R/O Aadami Gaon Near
Sashtri Nagar, P.S.- Shastri Nagar, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gajanan Mishra, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 10-05-2024

I.A. No. 01 of 2024

The instant interlocutory application has been filed on behalf of the appellant to condone the delay since limitation expired on 15.09.2023 and the instant appeal has been filed on 10.11.2023.

2. Learned counsel for the appellant submits that the reason for delay is that the appellant is a rustic illiterate lady and her husband is an old man aged about 75 years who was put behind the bar and even after his release he has been ill so he could not make proper pairvi on behalf of the appellant. Even the son of the appellant, who is the husband of the informant,



was also in custody from 07.03.2023 to 29.11.2023. For this reason nobody obtained certified copy of impugned order dated 15.06.2023. Under these circumstances, the appeal could not be filed within limitation period.

3. Learned Spl. P.P. opposes the submission made on behalf of the appellant.

4. Having regard to the averments made in the interlocutory application and the submission made on behalf of the appellant, I.A. No. 01 of 2024 stands allowed. The delay in filing the appeal is condoned and appeal will be entertained.

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5. Heard learned counsel for the appellant and learned Spl.PP for the State.

6. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 15.06.2023 passed by the learned Sessions Judge, SC/ST Act, Patna in connection with Special Case No. 175 of 2021, arising out of Mahila P.S. Case No. 71 of 2021, registered on 05.07.2021, for the alleged offences under Sections 341, 323, 498A, 313/34 of the Indian Penal Code, Section 3/4 of Dowry Prohibition Act and Sections



3(1)(w)/3(2)(v) of the Scheduled Castes and Scheduled Tribes
Ac

7. As per the prosecution case, the son of the appellant solemnized inter caste marriage with the informant, a lady of Scheduled Caste. The allegation against the appellant is that she along with co-accused persons used to abuse the informant taking her caste name and they also demanded Rs.Five lakhs as dowry.

8. Learned counsel for the appellant submits that the appellant is innocent and has nothing to do with the family members of her co-accused son or the informant. The facts are very much apparent from the FIR itself as it is clear that the co-accused son of the appellant brought the informant to her house and after the marriage they started residing at some other place and not in the house of the appellant. When the co-accused husband of the informant deserted her, she filed the present case making completely false allegation against the appellant, her husband, sons and daughters. Learned counsel further submits that the appellant has also filed Alamganj P.S. Case No. 414 of 2021 against the informant of the present case and her family members for the offences under Sections 341, 323, 379, 504, 506 of the Indian Penal Code. The appellant is a lady aged 61



years and allegations are completely vague, general and omnibus.

9. Learned Spl.PP. opposes the submissions made on behalf of the appellant. Learned Spl. P.P. submits that there is specific allegation against the appellant and other co-accused persons for abusing the informant by taking her caste name and also demanding dowry.

10. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific and vague nature of allegation and also considering the possibility of false implication in the background as discussed hereinabove, let the appellant above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna/concerned court in connection with Special Case No. 175 of 2021, arising out of Mahila P.S. Case No. 71 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close



relative of the appellant.

(ii) The appellant will remain present on each and every date fixed by the court below, if so required by the learned trial court.

11. Accordingly, the impugned order is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2024
Transmission Date	13.05.2024

